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Ontario. Commission of inquiry in the
matter of Valerie and Peggy, wards in the
care of the Children's Aid Society for the
County of Waterloo, placed by it in the
foster home of Mr. and Mrs. A. Timbrell
described...Child Welfare Act, 1965.

Report by Judge Harry Waisberg.
1968.



Ontario [Commissions and committees of inquiry]

REPORT OF THE COMMISSION OF INQUIRY

IN THE MATTER OF VALERIE AND PEGGY,
WARDS IN THE CARE OF THE CHILDREN'S
AID SOCIETY FOR THE COUNTY OF
WATERLOO, PLACED BY IT IN THE FOSTER
HOME OF MR. AND MRS. ARTHUR TIMBRELL
AS DEFINED IN CLAUSE (c) OF
SUBSECTION (1) OF SECTION 19 OF THE
CHILD WELFARE ACT, 1965

HIS HONOUR JUDGE HARRY WAISBERG

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IN THE MATTER OF VALERIE AND PEGGY, WARDS IN
THE CARE OF THE CHILDREN'S AID SOCIETY FOR
THE COUNTY OF WATERLOO, PLACED BY IT IN THE
FOSTER HOME OF MR. AND MRS. ARTHUR TIMBRELL,
AS DEFINED IN THE CHILD WELFARE ACT 1965,
SECTION 19 (1)(c).

REPORT

The Honourable John Yaremko, Q.C.,
Minister of Social and Family Services,
Toronto, Ontario.

Sir;

I have the honour to present you with the report on
the result of my investigation made pursuant to your order
dated 2nd October, 1967, in accordance with the provisions
of the Child Welfare Act, Section 3. A copy of your order
setting out the terms of reference, together with the order
amending same are annexed hereto as Appendix No. 1.

Upon receipt of your order I appointed Mr. J.S.J. O'Driscoll
as counsel to the inquiry. A preliminary hearing was held
at the Town of Preston on 12th October, 1967. Mr. George
Lohead, Q.C., appeared as counsel for the Children's Aid
Society for the County of Waterloo. Mr. T.B. O'Neill stated
that he had been retained by Mr. and Mrs. Arthur Timbrell,
and accordingly, I engaged him to act as counsel for them,
in order to assist in carrying out the duties and functions
of the investigation.

Since the investigation and inquiry were being conducted in the interest and for the well-being of the two foster children, I made a personal visit on the 10th October, 1967, to the new foster home of the children. I spent some time with them and in discussion with the new foster mother, I found that their interest and well-being were adequately safeguarded in a good foster home and I am confident that this care and attention will continue until more permanent arrangements are made.

Throughout the report, I avoid using the surname of the two children, and have erased it where it appears in any of the Appendices. We avoided using it at the hearings. I have tried to prevent the identification of the children in their interest. Unfortunately, the name had been somewhat published before my appointment and nothing could change that.

Notices of public hearings to commence on Monday, 23rd October, 1967, were duly placed in the Kitchener-Waterloo Record, a daily newspaper published in the City of Kitchener and The Evening Reporter, a daily newspaper published in the City of Galt, on the 19th and 20th days of October, 1967. These are the principal newspapers having a general circulation in the municipality of Preston. All persons

having any information relating to the matter under inquiry were urged to come forth.

The public hearings commenced on the 23rd October, 1967, and continued on the 24th, 25th, 26th, 30th and 31st October and the 6th, 7th, 8th, 13th, 29th and 30th days of November, 1967.

The formal hearings were held in the Council Chambers of the Town of Preston. I considered that it would be appropriate to conduct the hearings in the town where the incident had taken place. I heard the sworn testimony of the 38 witnesses listed in Appendix No. 3 and considered the 125 Exhibits listed in Appendix No. 4.

At the opening of the hearing I made a statement setting out the manner in which I intended to conduct the inquiry. In order to effect the widest coverage, I allowed evidence to be introduced which would not have stood the test of the legal rules of evidence. I followed the principles set out in CAS County of York, 1934 OWN 418, but kept in mind the fundamental principles of justice. The statement appears as Appendix No. 2 to this report.

I will refer to The Children's Aid Society of the County of Waterloo as the Society, the Child Welfare Branch of the

Department of Social and Family Services as the Department, and the Minister of the Department as the Minister, the Provincial Director of Child Welfare as the Director and the children, Peggy aged 5 and Valerie aged 3, simply as the Children.

I have divided my report into four parts.

The First Part covers my findings of fact as to the placement in and removal from the Arthur Timbrell home of the children. It also covers the conduct of the officers and staff of the Department, the Society and members of the Timbrell family.

The Second Part gives a resume of the law applicable to the facts of this case, and a review of the policies governing foster care and adoption.

The Third Part sets out my conclusions based on the facts and law.

The Fourth Part lists a number of recommendations.

I gratefully acknowledge the assistance of counsel, and also of Mr. J.A. Seamark who acted as Clerk. I would also express my gratitude to the witnesses who co-operated in the conduct of the hearings, and to Mr. Charles McTrusty, the Judges' Secretary, who did the secretarial work.

FINDINGS OF FACT

I have found it convenient to divide the facts into three sections.

The First Section deals with the events giving rise to the inquiry.

The Second Section deals with the foster home application and the placement of the children, being the events from the 18th August, 1966, to the 10th August, 1967.

The Third Section deals with the removal of the children from the Timbrell home, including the events from the 10th August, 1967, to the 28th September, 1967.

SECTION 1

EVENTS GIVING RISE TO THE INQUIRY

On the 28th September, 1967, there occurred outside the Timbrell home at 1431 Eleanor Avenue in the Town of Preston certain events which have been described by everyone as shocking and disgraceful. The full scene was carried on television and has been reported in great detail, with photographs, in all the newspapers. The television film and many of the photographs have been filed as exhibits to the hearing. An accurate account of the incident is given in the official General Occurrence Report of the Preston Police and is attached hereto as Appendix No. 5.

Briefly, at about 1.45 p.m. on that day three staff social workers of the Society attended at the Timbrell home with a Warrant to Search duly issued pursuant to the Child Welfare Act, 1965, Section 21 (1)(b) - Appendix No. 6. On their arrival, they found the streets crowded with spectators, partisan neighbours and representatives of the news media. The staff members were Mr. John Donnachie, the assistant Director in charge of the Galt office, Mrs. Ruth Conley, a senior social worker, and Mr. Peter McGhee, a senior child care worker.

On their first attendance at 1.45 p.m. the police remained in the background. This attendance at the Timbrell home, followed from the failure of Mrs. Timbrell to bring the children to the Society office. A registered letter from the Society asking her to return the children to the office on that date at 10 a.m. had been sent to her three days earlier. Appendix No. 7. The Society representatives were denied entry to the home and were refused delivery of the children. This incident is accurately described by Mr. Donnachie:

Q. All right. What happened then?

A. Well, I think just as I got in front of the door, I didn't get a chance really to even say who I was; it wasn't required apparently because she called out my name immediately, and I told her that we had come for the children -- and, first of all, could I come in. She said no, or, I think, words to the effect we couldn't come in. And I then asked her if she would bring the children out then, and she refused again.

I then told her, I think, at that point, that I had a warrant to search the place for the children, and I don't think that made much -- it didn't make any impression.

The Society workers quickly left, stating that other steps would be taken. The events were fully televised, photographed, reported and recorded.

Later, at about 3.40 p.m. they returned accompanied by Police Chief Woods and two officers, acting on a Warrant to arrest Mrs. Arthur Timbrell, duly issued pursuant to a charge under Section 236 (1)(a) of the Criminal Code. (Included in Appendix No. 5). The execution of the Warrant ended in a wild scene of violence and disorder, which was also fully televised, photographed, reported and recorded. It is obvious, from the reports and from the evidence that Mrs. Timbrell and some of her children assaulted the police officers and the Society workers, and used foul language towards them. They indulged in screaming, shouting and crying. There is no doubt that it was a shocking and disgraceful scene.

This violent episode was the climax to weeks of publicity about the placement, care and adoption of the children. Some were left with the impression that Mrs. Timbrell was fighting to keep the children together while the Society was planning

to tear them apart. There was also the implication that these were devoted foster parents who were reluctant to give up children of another religious faith when required to do so for adoption placement. It was this incident which led to the inquiry.

SECTION 2

THE FOSTER HOME APPLICATION AND THE PLACEMENT OF THE CHILDREN, BEING THE EVENTS FROM THE 18TH AUGUST, 1966, TO THE 10TH AUGUST, 1967

In August, 1966, Mrs. Timbrell applied to the Society for two pre-school foster children. Her application appears as Appendix No. 8. Letters were sent to the persons listed for references and replies were duly received as satisfactory. The letter of Rev. R. Jutzi carried a vague reference to a criminal record of one older child.

Mrs. Janet Stevens, a qualified social worker, employed by the Society as a homefinder, conducted the usual investigation. She completed the standard 'Board Home Social History' and made her report from information supplied by Mr. and Mrs. Arthur Timbrell. Foster care arrangements were duly discussed with Mrs. Timbrell. I have attached Mrs. Stevens' report as Appendix No. 9.

This report gives the following information.

Mr. and Mrs. Arthur Timbrell have the following children; Rodney, aged 22, Wayne, aged 21, Margaret, aged 20, Garth, aged 18, Daryl Anne, aged 16, Eileen, aged 13, Jane, aged 11, Joy, aged 7, Tammy, aged 4, and a grandson Timmie, aged 2. All live at home except Rodney who spends the Winters there. Mrs. Timbrell has had some nursing experience, while her mother had in the past, for some years cared for foster children, and she herself had taken foster children on private placements. The family had moved from Kingston to 1431 Eleanor Avenue, Preston, in 1964.

The report makes it clear that Mrs. Timbrell understood that she would share the responsibility of foster children with the agency and appreciated the temporary nature of the arrangement. With reference to Rodney, I find it significant that Mrs. Timbrell said that, "they had a little trouble with him but that he seemed to be settling down and liked his work". There is no other reference of any involvement with the law by any member of the family. Mrs. Timbrell so admits in her evidence when she states:

No, I didn't tell them about it in August, 1966, but they didn't inquire about it.

Her general attitude towards providing information is shown in the following testimony:

Q. Did you tell the Children's Aid Society anything about your husband's difficulties with the law?

A. No, I didn't.

Q. Why was that?

A. They didn't ask me.

Q. Your husband was also convicted in 1956 of assault, wasn't he, common assault?

A. Yes.

Q. A man named Lucas?

A. Yes.

Q. That was in a place called Barriefield?

A. Yes.

Q. You didn't tell the Children's Aid this?

A. No.

Q. Why?

A. Well, about the circumstances, I didn't think it had any bearing on taking children at all, but I didn't think of it anyway.

Q. This is dated October 2nd, 1967.

A. I didn't feel these were skeletons at all. These are things that my family have served their time for, and once you have served your time for something this is supposed to be forgotten. They paid their penalty and I didn't think this had any bearing on these two children. These children were loved and looked after properly in my home.

Mrs. Stevens' report concludes from the information supplied that "the couple would appear to offer good foster care for pre-school children". It appears, however, that the conclusion would have been different if all of the information had been forthcoming. Mrs. Stevens states in her evidence:

Q. Would it have made any difference to the extent of your inquiry, in view of the information of the little difficulty that Rodney had had, if you had known that he worked for a carnival in the Summer months in Quebec and was home during the Winter months?

A. Yes, it would, sir.

Q. What would you have done? What difference --?

A. I would have asked Mrs. Timbrell if she could explain something more about Rodney and his problems, added to that there may not have been room if Rodney had been home.

Mr. and Mrs. Arthur Timbrell are described in the report as Protestants.

On the 25th of January, 1967, the children having become "children in need of protection" were placed in the Timbrell home through the Galt office of the Society. Orders were made, in the Juvenile and Family Court of the County of Waterloo on the 14th February, 1967, declaring the children to be children in need of protection and committing them to the care and custody of the Society for a period of three months commencing the 25th January, 1967. They were found to be of Roman Catholic religious faith. The period was subsequently enlarged to the 4th April, 1967. Finally on the 13th June, 1967, they were made wards of the Crown. They were two of a family of five children. Two were placed in separate foster homes without incident and the baby was taken by the natural mother when she left.

This placement was made by Mrs. Judith Anne Marston, a qualified child care worker at the Galt office of the Society, in consultation with Mr. John Donnachie, the assistant Director.

It was her responsibility to supervise the care of the children and to act as a liaison between the Timbrell family and the Society. Under Section 37 (4) of the Act, the children should have been placed in a Roman Catholic foster home, but none were available in that area at that time. In the four and one half months that she was responsible for these children - she left the Society on the 14th June, 1967 - Mrs. Marston visited the children many times. She found that they had been well received into the home and properly cared for. She did not notice any unusual dependency between them, but did find Valerie to be a child who would easily settle into an adoptive home, while Peggy, who was older and had apparently suffered more from their previous unfortunate experience, would be more difficult to accommodate. It was planned to keep the children at the Timbrell home until they became Crown wards, when they would be moved out for adoption. It was her opinion that separating the children would be no problem; she was concerned that Peggy's problems would affect both children.

Miss Carolyn Binnie, a qualified social worker, took over from Mrs. Marston. She was introduced by her to Mrs. Timbrell and the children on the 5th June, 1967. Although new to the

profession, she obviously had some of the necessary qualities as appears from the evidence of Mrs. Timbrell:

Peggy always asked if a strange woman came in the house if they were from the Children's Aid. When she was re-assured they weren't she got so she went up to them. She got so she liked Mrs. Marston very well. She was beginning to warm up quite a bit to Miss Binnie.

As stated, the children were made Crown wards on the 13th June, 1967, so that pursuant to Section 84 of the Act, it now became the responsibility of the Society to secure their adoption. Miss Binnie visited the children on the 22nd June, 1967, when she took their pictures to assist in adoption, and at that time had a friendly talk with Mrs. Timbrell about them. She observed the difference between the personalities and adjustments of the children. There was some discussion about the legal status of the children and the question of adoption. Miss Binnie felt that Mrs. Timbrell was not entitled to this information and was accordingly less than frank in answering her questions. The forms for the Adoption Resources Exchange were prepared. Peggy's appears as Appendix No. 10 and Valerie's as Appendix No. 11. The comments that they could each be placed with her sister or separately are significant.

Then on the 27th June, 1967, Mrs. Mary Matheson, an experienced adoption worker, of the Galt branch of the Society, attended a Regional Adoption Conference at Hamilton. The conference provides a clearing house for adoptions among the 17 Societies in the region. She presented the children for adoption, with a request that they be placed together if possible. They could not be placed together at that time, with a family of either Roman Catholic or Protestant faith. Prospective adoptive parents of the Roman Catholic faith were available if they were placed separately. The workers representing the prospective adoptive parents were duly consulted and it appeared that satisfactory adoptions could be worked out. This was all done in accordance with the standard practice of the Society.

Miss Binnie returned to the Timbrell home on the 17th July, 1967, to take further steps in the adoption procedure. It was necessary to arrange psychological tests for the children, in connection with their prospective adoptions, but a delay was requested pending a visit to Expo. by the family.

A few days later, on the 20th July, 1967, Mrs. Timbrell took the position that the children could not be separated and that she was now prepared to adopt them to prevent their

separation, although she had indicated on the 17th that she could not do so. Accordingly, Miss Binnie directed her to the adoption department of the Society. It is obvious that a change in attitude took place between the 17th July, 1967, and the 20th July, 1967. Mrs. Timbrell admits discussing the matter with Mrs. Ewald, as a result of which, her husband, the Rev. Ewald, spoke to Mr. Donnachie. The matter remained in abeyance while the Timbrell family were away.

The family returned to Preston on the 8th August, 1967. Mrs. Timbrell states that after the interview on the 20th July, 1967, she was left with the impression that she would have an answer to her application for adoption. She expected that Miss Binnie would confirm to her that religion did not form a barrier.

Miss Binnie, on the other hand, states that Mrs. Timbrell would, at that time, co-operate in nothing but her own adoption of the children to keep them from being separated.

It is quite apparent that as of the 8th August, 1967, Mrs. Timbrell had taken the firm position that the children were not to be separated. That was the picture when on the 10th August, 1967, Miss Binnie and Mrs. Stevens went to the Timbrell home to get the children. It was Mrs. Stevens who

had made the original foster home assessment a year earlier. On the 9th August, 1967, Mrs. Stevens phoned Mrs. Timbrell to make the appointment for the following day. It was fully explained to Mrs. Timbrell by Miss Binnie and by Mr. Dickenson, another social worker of the Galt office, that there were prospective adoptive parents of the Roman Catholic faith who would make more suitable adoptive parents than herself. The explanations fell on deaf ears. Mrs. Timbrell had plans of her own. She spoke to the Child Welfare Branch in Toronto:

Yes, I had phoned Toronto on the 9th of August, I am not certain who I talked to, I think either Miss Forsyth or Miss Franck, I am sure it wasn't Betty Graham, I can't recall that name at that time, but they didn't know anything about this. They told me they would call Kitchener and find out and let me know later that afternoon or the next morning and they did. And they called me on August 10th, in the morning, and they told me that the children were going to be taken from my home at one o'clock that day, placed in a Roman Catholic foster home and then the local Children's Aid were going to proceed with plans to adopt these children separately and then shortly after Mr. Hunsberger called me and told me to have the children ready at one o'clock and they were going to proceed as planned. I argued with him, they were not proceeding with plans, and he stumbled around and asked me why I knew and I said Toronto had called me and said they were going to a Catholic foster home and then proceed with plans, he said you will have the children ready and I just said to him, "We will be ready".

She was busy gathering further support:

/ ..

Q. When was the first time you were on an open line radio programme?

A. Could have been the 8th or 9th or 10th of August, I am not certain when it was.

Q. Mrs. Timbrell, from the 8th or 9th of August till the 28th of September and perhaps thereafter, you appeared on television many times?

A. I wouldn't say on television, I would say on film.

The Society and Mrs. Timbrell were no longer working together for the benefit of the children. The Society were endeavouring to move in accordance with their usual procedure. Mrs. Timbrell, on the other hand, was endeavouring to impose her own views of adoption policy, but was surprisingly still not in earnest about adopting the children herself.

Q. Well, do I gather from that, Mrs. Timbrell, that you decided to use the mass media in order to make your point?

A. To get an adoption home for the two of them together.

Q. What adoption home?

A. Well, at this point I knew it didn't matter, Roman Catholic or Protestant, because barriers can be crossed.

Q. I want to know, in your definition of adoption home, did you include yourself?

A. Not particularly, no. I didn't need any more children. Heavens, I got nine of my own and my grandson. I am certainly looking forward to the day I retire. But then we had weighed all the factors --- HIS HONOUR: Do I understand, Mrs. Timbrell, that you have no desire to adopt these children at the present time?

A. I have now, sir, but at the time I didn't.

SECTION 3THE REMOVAL OF THE CHILDREN FROM THE ARTHUR TIMBRELL HOME
INCLUDING THE EVENTS FROM 10TH AUGUST, 1967, TO 28TH
SEPTEMBER, 1967

When Miss Binnie and Mrs. Stevens arrived at the Timbrell home on the 10th August, 1967, they were surprised to find news reporters present in the house. They were told that the children were not ready and it was made clear to them that the children would not be turned over. Margaret Timbrell, who had been taking an active interest in the affair, lashed out at the Society and particularly at Miss Binnie:

I told her she didn't know what it was to look after children. She didn't have any of her own and that you had to grow up with children. She likely had not even babysit with her brothers and sisters if she had any.

Mrs. Stevens gives an accurate description:

Well, as soon as we left our cars we were met by the photographers and news reporters, and which followed us to the house, and we went into the house and asked Mrs. Timbrell if the children were ready. She said, "No, they are not." With that, a young girl in the house, whom I now know to be Margaret Timbrell, lashed out in a tirade against the Children's Aid Society for not knowing what they were doing and going by the book, and spoke of Miss Binnie as an extremely young social worker who was not a mother and who did not know what she was doing. And we waited quietly for a few minutes and told Mrs. Timbrell that we were just trying to do the best we could for the children.

I asked if her husband were at home, thinking that we could speak with him, but he was not at home.

She said that he was going to phone her later.

We waited a few minutes longer and decided to leave. It seemed useless to continue staying because the two wards were sitting in the room and it was pretty noisy, and we felt that it would be better for them if we left, which we did.

In that atmosphere, not wishing to make matters more difficult, they left without the children.

Mrs. Timbrell admits that at 12.30 a.m. on the 10th August, 1967, she called the news media. She had previously delayed the attendance from the 8th August, 1967, to the 10th August, 1967, on the pretence of getting the children ready. There is no doubt that the delay was planned to gain time to build up public support, and so by the 12th August, 1967, Mrs. Timbrell was able to declare that they would need the police to get the children:

Q. So on August 12th you decided that they were going to have to get the police to get these children, is that right?

A. They had to the extent if they were going to separate them. I was hoping that they were going to tell me that they had found one home together, for then at this time I wasn't thinking too much of adoption, although we had talked about it and knew we could financially get along fine. As I say, I am looking forward to the day when they are all in school, but rather than see these two little girls separated I was going to keep them together.

The case had now become front page news. Mrs. Timbrell justified her behaviour on two grounds. Firstly, that the children were so dependant on each other that they should not be separated:

They had clung to one another ever since January, it is all that they had had, and I didn't feel this was any time to be separating them.

And secondly that the children were being taken from her because of a difference in religious faith. Mrs. Timbrell, in flagrant disregard of confidentiality, arranged to have the local radio station broadcast for the natural parents in order to verify their religious faith. She also phoned the Roman Catholic churches in the area. And yet she was aware that religion need not necessarily be a barrier.

As a result of the events leading up to and including the 10th August, 1967, Miss Binnie came to the conclusion that the children should not remain in the Timbrell home because:

1. The Society was not receiving the co-operation of the foster home.
2. An emotional atmosphere had developed in the foster home.
3. The confidentiality of the placement had been violated.
4. The adoption plans were being thwarted.

Another protection worker, Mr. James W. Dickenson agreed with the decision. In view of the developments, however, it was decided that the case be transferred from Miss Binnie to a more experienced worker, Mrs. Ruth Conley.

On the 14th August, 1967, Mrs. Timbrell attended at the Galt office of the Society and applied for adoption. She was interviewed by Miss Mary Matheson, who assisted in completing the application. When the application was completed on the 21st August, 1967, it was forwarded to Toronto to assure Mrs. Timbrell of impartial treatment. In due course, it was directed to the Society with the investigator's report. The application appears as Appendix No. 12.

I note that in the application both Mr. and Mrs. Arthur Timbrell acknowledge in writing that "the Society in its sole judgment reserves the right to remove the child previous to legal adoption". If they were ever in doubt about their position with reference to the custody of the children prior to this date, they could not possibly have had any doubt afterwards.

On the 11th of August, 1967, you as the Minister of the Department concerned, issued a press release, attached as Appendix No. 13. You also sent a senior official, in the person of Miss Veronica Franck to the Society office. She investigated and reported back to you on the 18th August, 1967. This report which appears as Appendix No. 14 gives an accurate account of events up to the 15th August, 1967.

Meanwhile, on or about the 11th August, 1967, Mr. Hunsberger received important information about the background of the Timbrell family. Mrs. Timbrell, as we have seen, had not considered that the criminal records of the members of her family were of any importance to the question of bringing foster children into the home. She does not appreciate that the home environment can make any difference. This strikes me as a most unusual attitude but it coincides with her attempts at the hearing to explain everything away even to the extent of blaming the authorities for some of Rodney's criminal behaviour. Loyalty to one's family may be commendable, but Mrs. Timbrell, Mr. Timbrell and Wayne Timbrell have not been candid in their evidence concerning criminal records, to an extent that goes far beyond the call of loyalty.

I do not propose to go into the details of the records of the members of the family. In a general way, however, the following information finally emerged indicating the background:

1. Mr. Arthur Timbrell, three convictions of assault including one on his wife.

2. Mr. Rodney Timbrell, juvenile delinquency, a number of convictions of theft and related charges and presently wanted on a bench warrant.
3. Mr. Wayne Timbrell, juvenile delinquency, convictions of assault and theft and a more recent conviction of contributing to juvenile delinquency through obscene behaviour.
4. Miss Margaret Timbrell, juvenile delinquency and being an unwed mother.

With that information on hand, the Local Director could not approve of Mr. and Mrs. Arthur Timbrell as adoptive parents, and there was now grave concern about them as foster parents. Mr. Hunsberger was most anxious to proceed with the Society's plans.

Q. Was there any discussion as to what procedure would be followed thereafter?

A. Yes, they felt that we should get as many adoption applicants as we could through various means, and they also discussed putting a senior case worker on the case to deal with an evaluation of the children, an evaluation of the whole foster home situation as it was then.

Q. Did you subsequently appoint someone to do this?

A. Yes, Mrs. Conley.

Q. Why did you appoint her?

A. Because she has a varied case load and she deals with rather difficult situations, those situations requiring particular skill in handling children and understanding parents, foster parents, whoever else is in the environment of the children in the case which is given to her.

On the 14th August, 1967, Miss Betty Graham, the Provincial Director, returned from her holidays and also became concerned about the matter. As indicated, it was decided that Mrs. Ruth Conley should proceed with the necessary preparations for adoption of the children. There were some hopeful prospects for placing the children together. The evidence of Miss Graham describes the situation:

Q. Would you tell His Honour what it concerned?

A. Well, it concerned these particular children, the steps as they proceeded. The children in the meantime were to be related more closely to this more experienced worker, Mrs. Conley, who in turn was to take them wherever the Society was to take them for psychological testing and further evaluation in an effort to get to know these children more closely, and with a view to placement on adoption. Even early that week we knew of adoption homes in the area of other Societies. Previously Mr. Hunsberger pointed out to us that the children had been discussed at an adoption group meeting in the area around. The meeting was held in Hamilton and it involved Societies in this particular area, and nothing had been forthcoming from that meeting for the two children together, but we felt it was wise to watch and see if we could place them together -- and I say "we" in the sense of the Society, with our assistance.

Q. Do you know whether, in fact, this met with success?

A. Yes, there were at least two approved adoption homes, studies submitted by other Societies to the Kitchener Society.

Q. Prepared to take the two of them together?

A. Prepared to take two little girls of those particular ages into their homes. Now, whether they could take them that day was a matter that hadn't been discussed with individual families, but as the practice is in all such placements, the home studies are sent to the Societies having the children, the parent Societies, so-called, and they considered these home studies and selected the home they feel is best for their particular child.

The placement of the children in an adoption home may or may not have been imminent at that time. In any event it was urgently necessary to get them out of the Timbrell home. The Society felt that the Child Welfare Branch should take the responsibility for removing the children. By the 20th September, 1967, the Department had made it clear that not only would it not take the responsibility, but would not even have a representative present. The Society and the Department, were in agreement, however, that the children should be removed from the Timbrell home without delay.

Meanwhile, in order to overcome any suspicion of prejudice, it had been decided that the Department arrange the adoption interview for the Timbrells. Miss Laurie Charleson, an experienced adoption consultant of the Department was assigned that duty. She interviewed Mrs. Timbrell on the 24th and Mr. Timbrell on the 29th August, 1967. Her report is annexed hereto as Appendix No. 15. I am struck by the fact that even at this late date there is still no full disclosure of the background of the family.

In the meantime, as a result of all the publicity including the Press Release by the Minister, the Society became most unhappy. Did they have the confidence of the Department

and the public? In that frame of mind they adopted a Resolution dated the 30th August, 1967, which was sent to you. Appendix No. 16. A further explanation is given in the report to the Director, Appendix No. 17, dated the 31st August, 1967. The misunderstanding between the Department and the Society was satisfactorily resolved as indicated by the letter from the Department of the 25th September, 1967, included herein as Appendix No. 18. Each continued to act within its own area of responsibility. Accordingly, the Department did not participate in the events pertaining to the removal of the children from the Timbrell home, nor would the Minister give a written guarantee regarding the separation of the children, as these matters were not within the scope of the Department, but were the sole responsibility of the Society.

On the 25th September, 1967, an important meeting of the Society took place. Present were the following senior staff members: James Harris, a qualified social worker, Thomas Smith, a qualified social worker engaged as the supervisor of students, David Barkman, a child care supervisor, Olive Bolton, a supervisor and Wilson Hunsberger, the Local Director. All agreed that Mrs. Timbrell's application for

adoption of the children be rejected and that she be requested to bring them to the Society's office on the 28th September, 1967, at 10 a.m. A registered letter to that effect was sent to Mrs. Timbrell on the 25th September, 1967. (Appendix No. 7).

Mr. Hunsberger sums it up:

A. Yes, we had discussed a warrant under the relevant section of the Child Welfare Act. We had also discussed the advice of the Crown Attorney, and there was some discussion and some speculation as to whether Mrs. Timbrell might accede to our request and bring the children in as requested. So all of these things were discussed.

Q. Was it decided who would go with the warrant if, in fact, she did not return the children?

A. Yes, the people were decided upon then.

Q. And who were they?

A. Mr. Donnachie, Mrs. Conley and Mr. McGhee.

Mrs. Timbrell did not accede to the request to return the children. Hence, Mr. Donnachie, Mrs. Conley and Mr. McGhee attended at the Timbrell home with a Warrant to Search. This attendance proved fruitless. Later, they returned with a Warrant to Arrest. The Preston police were then duty bound to execute this Warrant.

The execution of the Warrant culminated in the violent scene which has already been described. According to Mrs. Timbrell, the outbreak of violence occurred when she asked who would look after her children while she was in jail. She says that someone shouted, "The Children's Aid Society will look after them." In her view, this remark so enraged the Timbrell family as to set off the violent explosion. I find this explanation wholly unacceptable.

The films of the scene, which I have carefully viewed, leave no doubt that violence erupted immediately when Mrs. Timbrell emerged from the house, followed by her children fully clothed and intent upon accompanying their mother to the police station. I am satisfied that this was a carefully planned move to further arouse public opinion. The plan was thwarted, however, when Police Chief Woods and his men moved in behind Mrs. Timbrell separating her from the children. The ensuing frustration and confusion quickly turned to violence.

Mrs. Timbrell's participation is described by her as follows:

Q. What did you mean when you called on all Prestonians and your neighbours to come and block the street?

A. Just to see what the Children's Aid acted like, would act like.

Q. Do you have any right to have people block the street?

A. No, none whatsoever.

Q. And the third picture attached shows what?

A. I am choking Mr. Donnachie.

She admits choking Mr. Donnachie.

Q. Did you hit him in the eye?

A. I couldn't be certain. I probably did.

She admits assaulting the police.

Q. You were under arrest at that time?

A. Yes, sir.

Q. Did you feel that you assaulted the odd policeman that afternoon?

A. Yes, sir, I did.

Q. How many?

A. I don't think there were that many there, but probably two, maybe three.

Q. Chief Woods for sure?

A. Yes, I think so.

Q. Would you agree with me, Mrs. Timbrell, that your actions that afternoon of September 28th, which we will see on the film, are absolutely disgraceful?

A. To a point.

She admits that her actions on the 28th September, 1967, were disgraceful and she admits calling on the public to stand up for their rights and block the streets.

The attitude of Mrs. Timbrell is already depicted.

When asked what she would do differently another time, she states:

Q. If the same situation presented itself today as presented itself to you on September 28th, would you repeat all your actions of that afternoon?

A. No, I would do them a little differently, but I would do the same thing -- try and keep the two children together.

Q. What would you do differently?

A. I would disappear completely with the two children until the Crown did make up their mind that the two children had to stay together on account of blood ties.

Her request for a discussion had no meaning.

Q. In other words, tell me if I am wrong: Do I take it that really the only thing you wanted to hear from Mr. Hunsberger or Mr. Donnachie was that these children were going to be kept together?

A. Yes, that is all I wanted to hear.

Q. Yes, and if either one of them or both of them had told you they were not going to be kept together, you would have carried on exactly the same way as you have, wouldn't you?

A. That's true.

Q. So there wasn't an awful lot of point in Mr. Hunsberger coming to talk to you, was there?

A. Not if he wasn't going to tell he wasn't going to separate the children.

Margaret Timbrell's part in the display of violence is portrayed by her as follows:

Q. Why?

A. Because I just don't quite recall what I said to Mr. Donnachie but I hollered, something like that.

Q. Like what?

A. "Get the hell off our doorstep", or something like that.

Q. Did you at a later time that afternoon shove him off the front steps?

A. I did.

Q. You have a sister who was a little bit younger than you are, what is her name?

A. Daryl.

Q. And did the two of you have something to do with Mrs. Conley out on the lawn that afternoon?

A. Yes.

Q. What did you do?

A. Well, I pulled her by the hair and Daryl pushed her.

Q. Where did Mrs. Conley end up, on the ground?

A. Yes.

and then referring to Mr. Donnachie -

Q. Did you hit him?

A. I think I knocked his glasses off.

Q. Your mother at this time had him by his lapels of the coat?

A. Yes.

The following scene is indicative of the general tone:

Q. What did you call out, what did you say?

A. I just said they were a bunch of rats and as far as we were concerned they would never amount to much more as long as they were in the C.A.S.'s hands.

- Q. Was there any conversation like "Hate them, hate them, hate them"?
- A. I think my one sister said that.
- Q. Did she say anything about "They are going to kill you, kill you, kill you and put you six feet under"?
- A. I don't remember that.
- Q. Were you pounding on the car?
- A. Yes.
- Q. What?
- A. I think I was.
- Q. What part?
- A. The door.
- Q. Anybody pounding on the window?
- A. I don't know.

and finally her attitude is revealed beyond question:

- Q. Tell me, Miss Timbrell, looking back on it now, do you have anything to say about your actions on the afternoon of September 28th?
- A. Well, it wasn't something that was planned but I think if it ever came up again I would only hope that we would do it a little better.
- Q. What do you mean by that?
- A. The next time I would get a hold of her I would really pull her hair out.

On all of the evidence, including the television films and the press photographs it is obvious that a disgraceful violent scene took place. There is no doubt that this scene was promoted and carried out by the members of the Timbrell family. There are further details involving other members of the family, upon which I do not consider it necessary to report.

RESUME OF LAWSECTION 1STATUTES AND REGULATIONS

The chief legislation governing child welfare in this province is the Child Welfare Act 1965 as amended. A recent article by Freda Manson, the Assistant Director, Ontario Welfare Council, in the University of Toronto Law Journal, Volume XVII, 1967, gives a good review of the Act. The following quotation from that article portrays its general effect:

The new legislation is not revolutionary, nor does it, from a practical point of view, change the pattern of responsibility. The children's aid societies continue to operate as voluntary organizations with practically 100 per cent public financing and are the instruments through which the Act is administered. Nevertheless, the Act is a significant advance in child welfare. Firstly, service to children in their own homes who are in danger of being neglected is now a public responsibility, totally financed by public funds; secondly, the province has undertaken a considerably greater share of the costs of all the child welfare services under the Act, and along with this, greater authority over the operation of the societies. Thirdly, the Crown becomes the legal guardian of children who have been permanently and legally separated from their parents.

The 1965 Act follows the same form as the earlier Act. Part I sets out the duties of the director of child welfare. Section 2 (2)(b) requires the director to inspect, or direct and supervise the inspection of, the operation and records of children's aid societies, a valid addition in light of the new responsibilities of Crown guardianship and the increased financial expenditures of the province.

Municipal control and involvement is greater also. Municipal representatives on the Board of Directors of each society are no fewer than four. The Executive Committee has nine members, four of whom are the municipal representatives. Since all powers of the Board may be delegated to the Executive Committee, this gives the volunteer members of the Executive Committee at most the casting vote of the chairman.

The Director of Child Welfare is given the duty and power to advise and supervise children's aid societies (Section 2(2)(a)). The Local Director is given the duty and power to administer the Society and enforce the Act and the Regulations (Section 4). The Societies, themselves, are incorporated for the purposes inter alia of providing care for children assigned to them and placing children for adoption. (Section 6 (2)).

A Judge of a Juvenile and Family Court determines after a hearing whether a child is "a child in need of protection", (Section 24) and may declare such child a Society Ward with temporary placement or a Crown Ward with permanent placement. In either case the child is placed in the care of the local society. (Section 25). The Crown has all the rights and responsibilities of a legal guardian for Crown Wards (Section 32 (1)), and the Society has all the rights and responsibilities for a Society Ward. (Section 33 (1)). The Regulations set out the procedure and standards in the use of foster homes in providing care by the Societies.

Regulation 16, provides that every child admitted to the care of a Society shall be placed in a foster or other home in keeping with his needs, and after placement shall be visited by a social worker within seven days and again within thirty days and then at least once every three months, unless otherwise directed. Regulation 18, sets out the duties of a Society in connection with foster home applications. The Society shall begin an investigation within thirty days after receipt of the application. It must interview the applicants, record a description of the home and make assessments on the suitability as a foster home and the effect on other children in the home.

The religious faith of the child is considered in Section 37 (4) which provides inter alia, that foster home placement shall be made, where practicable, with a family of his own religious faith. An application may be made to a Judge to suspend the operation of this section, if it appears to the Society that a suitable placement may be made within a reasonable time. (Section 37 (6)); and Section 38, provides that Crown and Society Wards may be placed in foster homes according to the needs of the child and removed at the discretion of the director or local director. The grave responsibility for a suitable foster placement is given to the Society.

The Supreme Court of Ontario as well as the County and District Courts have jurisdiction in adoptions. (Section 70). Crown Wards require the written consent of the director, which may be dispensed with by the court. (Section 73). However, before an adoption order is made, the director or local director respectively, must certify in writing that certain requirements have been met. This cannot be dispensed with.

Section 84 is the most important provision in the Act. It provides that every children's aid society shall endeavour to secure the adoption of Crown Wards, having regard to the individual needs of each Ward, and shall report to the Director as therein provided. The onus is upon the Society to secure adoptions. There are no restrictions or limitations. The Society is entitled to make value judgments of what it believes to be the individual needs of each Ward. A Society fulfills its obligation by acting in good faith in accordance with the requirements of the Act.

SECTION 2

POLICIES OF FOSTER CARE AND ADOPTION

Pursuant to its responsibility to advise the Societies, the Child Welfare Branch, did in March, 1966, issue an Adoption Policy Guide, attached as Appendix No. 19. The last paragraph of the introduction indicates the spirit in which it was distributed:

Many requests have been received by the Child Welfare Branch from the Children's Aid Societies for an adoption policy guide to be used when considering adoption applications. The Child Welfare Branch recommends the enclosed policy guide and it is hoped it will be of value to your agency by being implemented in practice.

The following sections of the Adoption Policy Guide are of particular interest to this inquiry:

4. Religion - Subject to the requirements of the Child Welfare Act, neither faith nor race should render an otherwise acceptable couple ineligible. Mixed marriages are acceptable where the religious practice is harmoniously established.

12. Foster Parents -

- (1) Where boarding parents apply to adopt the child in their care, consideration should be given to their application in the same manner as to any other adopters.
- (2) If a child has been in a suitable foster home over a long period of time and it is in his interest to remain in this home, agency consideration should be given to approaching the foster parents about their adoption of this child.

Mr. Jerome Diamond, the Executive Director of The Jewish Family and Child Service of Metropolitan Toronto, a qualified and experienced social worker gave his views of the generally accepted policies and practices pertaining to foster home placements and adoptions. Because of his qualifications, his impartiality and the source of his material, his views are entitled to the utmost respect.

His views on the basic principles of adoption are set out as follows:

Q. Mr. Diamond, dealing with the question of proposed adoptive homes. As the Director and as one charged with the duty of doing the best for the child, what does one look for when sizing up or evaluating a proposed adoptive home?

A. Most children care agencies in North America are guided by principles that have been struggled through over a long number of years. Latterly, the past 50 years, which are embodied in the recommendation guidelines established by the Child Welfare League of America, which is a standard-setting organization. I think if I were to read you a short paragraph ---

Q. Mr. Diamond, just for the record, before you read it, so I may identify it, you are reading from the Child Welfare Journal of the Child Welfare League of America, incorporated May of 1966, Volume 45, No. 5. You are going to read from an article by Bernice Q. Madison, PhD., entitled "Adoption: Yesterday, Today and Tomorrow -- Part 1". The article commences on page 253, and you are about to read from page 258, column 2?

A. Yes. This is a quote:

Eager as they are to welcome would-be adopters, agencies are careful to observe objectively their clients' 'motivation for parenthood' and to evaluate their potential for creating a truly nurturing home. Hence, the capacity to develop a satisfactory parental relationship with someone else's child, and maturity -- a complex that emerges as a happy marriage, job stability, freedom from handicapping emotional problems -- are sought. No longer are agencies seeking 'ideal' homes, a fuzzy concept at best, but neither are they willing to settle for 'marginal' homes whose margin is not solidly safe.

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This is a basic precept and this can be developed into more explicit terms with regard to the needs of specific children.

MR. O'DRISCOLL: Q. Mr. Diamond, is it implicit in what you have said -- let me ask you this. Is it implicit in what you said, that one starts out from the base consideration of what is in the best interest of the child? Or is that so?

A. There are two platforms, really, to fly this rocket from. One is the best interest of the child in terms of practicable reasonableness and what the community is able and ready to provide for this child, and it is the constant moving together of those two phenomena, those two factors, that operate in all adoptive arrangements.

Q. In other words, one does not always attain the optimum situation, but that is what you are attempting to reach? Is that right? In other words, it is a situation where, I suppose, to use bad phraseology, supply and demand comes into the situation to some degree?

A. These are some factors for consideration. One of the major factors in the whole proposition is good will. May I go on and read the next paragraph from the same article:

Even practice has changed considerably with respect to the testing and 'matching' of children. Instead of the isolated observation test to decide who is 'adoptable' and 'normal' increasing reliance is placed on systematic observation and analysis by all who have contact with the child -- the foster mother, the social worker, the nursing and medical staff, the psychologist, and the psychiatrist (this is not to deny that for infants older than three months, a test has specific value in ruling out serious defects). 'Matching' is not so much looking for similarities in physical characteristics and backgrounds per se as it is a process through which there is a focus on the identification of

the needs of individual children and a corresponding study, selection of, and giving of help to families with capacities to respond to those needs. Children are now placed soon after birth so that they can early derive physical and emotional security from a pair of close, warm central figures.

Then more specifically the procedure in cases of the kind now under consideration, is given:

We can take the example of these children. There was a breakdown in the natural family. The children then were placed, separated from one of the parents, connected through a longer and longer and thinner cord to the other parent, and then placed with the child placement agency who, on receiving a child on the bounce from the community in this way, have a responsibility to get to know with whom they are dealing. They have to find out who this child is. Even a one and a half year old child is a person, and he can make his needs known and his disagreements known in some very, very funny ways. Unless his needs are met, unless he is understood in depth. Therefore, taking into account these necessary separations, and charged with the responsibility for making these as meaningful and useful as we can, the placement agencies have tried to devise certain techniques for dealing with this. One of the ways is to make a tool of the foster home that receives the child for study. That is why our agency has the practice of training our foster parents in a dual kind of skill. One, how to receive, understand and work with and communicate with the agency. In other words, feed back to the agency about this child. And the other is to prepare themselves and the child, with the help of the agency, for the separating step that will next move the child to his ultimate destination. Therefore, foster homes must be trained in the separating skill, and not only in the receiving skill. Is that of any use?

He gives his views on the question of sibling separation by again quoting from the Child Welfare League of America Standards for Adoption Services and elaborating thereon:

Brothers and sisters (but not necessarily new born infants), who have had a relationship with one another, should be placed together, unless it would be more beneficial for them to be placed in separate homes. Children should not be separated only because it may be difficult to find a home for them together. Where it is not possible to place them in the same home, the value to the child of a permanent home must be weighed against the loss to each of his brothers and sisters. When siblings are placed in separate homes, and it is considered advisable for them to maintain contact with each other, adoptive families should be selected to make this possible. It cannot be expected that older children will give up former ties and relationships.

Q. Do you subscribe to that, Mr. Diamond?

A. I would have to because it is broad enough, I think, to cover most of the circumstances we deal with. But if I may, I would like to go into more specifics on the problems of separating.

Q. Yes?

A. To a certain extent it is almost not so much important as to whether the children are kept together or separated, once it is decided there are reasonable and meaningful factors for separating, or reasonable and meaningful factors for keeping children together. The problem is more how you do either of those two things. For older children implacement might find placement does not work out for one of the siblings over the years.

Q. You say older children?

1. The first part of the paper discusses the importance of the study of the history of the United States.

A. Two years old and up. Two, three, four. In other words children who are received at a fairly young age in the adoptive placement. It is quite often the reality and it is understandable that one child gets more out of a particular family setting than another. Problems for the adoptive family of managing the difficulties of the children in the course of accepting their new family position, require a good deal of help from technically trained resources. It doesn't necessarily follow, therefore, the child would get the best deal if they were kept together. Nor on the other hand does it follow the child will get the best deal if they are separated. Separation is usually done only in the most extreme circumstances, basically having to do with the indigenous needs of each of the children. If a child has a potential developing disability, for example, and would do particularly well in a family setting if separated from his siblings, this presents a problem to the placement agency, to decide whether or not to place the child separately from his siblings. We know it is against all the other factors mentioned in the standards.

Coming now to the policies of this Society, we find that it has been duly incorporated, for the following objects:

- (a) To protect children from cruelty and neglect on the part of the parents, guardian or others;
- (b) To care for and control neglected children;
- (c) To improve the home life of children;
- (d) To secure foster homes for children who have no homes or proper homes of their own;

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- (e) Generally to discharge the functions of a Children's Aid Society under the Children's Protection Act and to co-operate in carrying out the provisions of the said Act and other legislation in the interest of all children; and
- (f) To do all things incidental or conductive to the foregoing objects or any of them.

The Local Director, Mr. Wilson Hunsberger, holds a Master of Social Work degree and has experience in the profession since 1951. He has held his present position since 1956. The total administration of the agency is, on his own admission, his responsibility. He outlined for me the general adoption procedure of the Society as follows:

Q. Now, in the -- forgetting about this case for the moment -- in the normal case of events if a couple applies to a Children's Aid Society wishing to adopt a child, are the -- what goes on with regard to applicants?

A. Well, usually they would phone the office or make some kind of inquiry with respect to adoption in a general way. We would then provide the proposed adopting couple with some information, literature, outlining the requirements of adoption and we would give them a little card which we ask them to return if they were seriously interested, so that we could line up an appointment in the future. Then there would be a number of interviews with the parents, with the proposed adopting parents, either both separately and together, and what is called a "home study" would be prepared.

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Q. In the ordinary course of events that is done by the Society where the proposed adopting parents apply?

A. Yes.

Q. So the home study is done and what happens then?

A. If it is found in the opinion of the people doing the home study that the couple would be suitable adopting parents, an adoption meeting is held at which time a number of staff get together. Those who have charge or responsibility for children available for adoption and those who have been doing studies of the adopting couples. A number of people do this work so oftentimes the adoption committee, as it is called, would be comprised of perhaps six or seven people. They then would try to find a home for a particular child so that the proposed couple would meet in their opinion the best needs of each individual child coming up for discussion.

Q. So at this meeting there are people who know the children on one hand and on the other hand people who know the proposed adopting parents?

A. Yes.

Q. They would pool their information and try to match them up as best they can?

A. Right.

As to sibling policy he had this to say:

Q. Now, let's deal with the question of the policy of the Society of which you are the local director with regard to placement and adoption of children who are brothers and sisters. Is there a policy with regard to them as to separation or to keeping them together?

A. No, I wouldn't say there is a policy as written, there are practices which we follow.

Q. Would you tell us what they are?

A. Yes. In the normal course of events siblings can be placed together and if the relationship between them is a meaningful one and we feel that they should be placed together in the best interests of both of them, we would place them or attempt to place them in a home where both could be together as adopted children.

Q. What about separation of siblings?

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A. Well, this can happen and it can happen for two reasons. The two main reasons I can outline; firstly, if the relationship between the -- I put it first this way -- if we cannot find a home where the two could be placed together, two or three or more for that matter could be placed together, we would then consider what the effects would be of having them separated. If it was felt that they could be placed separately without causing emotional upset to them of a serious nature, then they could be separated and we would attempt to find separate homes for them. At times too the separation of infants is thought desirable because of the individual personalities of the children where one child's needs are so divergent from the needs of the other child that it would be felt best for their individual goods to have them separated. One might cite the example of twins, for example, where one twin might have -- or not even twins but siblings separated by a year or two -- where one might have pronounced emotional needs that we felt could be met perhaps by placing a child in a home where there was only one child and where he could be given the total love and attention of his adopting parents, whereas the other child might be placed a little more easily without that consideration. Well, that is --

He further elaborates on the adoption policy of the Society:

Q. In the meeting of the Board of Directors on March the 16th, 1967, on the second page of the minute, about the third paragraph down it says:

The Committee also considered the matter of applicants for adoption who have had criminal records. There have been two such applicants in the last month.

The Committee agreed ---

HIS HONOUR: I am sorry, I have not got where you are reading from.

MR. O'DRISCOLL: It is a series of -- at the top, Your Honour -

The Committee agreed that there should be no overall ban on such persons. Their eligibility to adopt would depend on an evaluation of the circumstances and the person's total personality. Such things as the type of offence and the age at which it was committed would be considered.

MR. LOCHEAD: Mr. O'Driscoll, may I suggest that you read the second paragraph after that indicating the acceptance?

MR. O'DRISCOLL: Yes.

Motion by Mr. Huehn moved the acceptance of the Child Care Committee's report. Seconded by Mr. Cook. Carried.

Q. So far as you know, Mr. Hunsberger, has that been the policy of the Children's Aid Society of this county?

A. Yes.

Q. With that regard?

A. Yes.

Q. To criminal records?

Now I understand that the question of what policy was to be adopted with regard to religion started out in the Child Care and Protection Committee after you received from the Child Welfare Committee Exhibit No. 3 in this case?

A. Child Welfare Branch.

Q. Child Welfare Branch, sent out the adoption policy guide in March of 1966?

A. Yes.

Q. And thereafter the matter went into committee, namely, the Child Care and Protection Committee, came up to the Board of Directors, went back again, came up, went back again a couple of times, and the matter was finally, the policy finally appears in the minutes of the Board of Directors of October 20th, 1966, on the second page of those minutes. The Board minutes, Your Honour, October 20th, second page of it. If I may just read that, it says:

/ ..

Mr. Huehn read the minutes of a meeting held by the Child Care Committee on October 19th to review their policy statement on adoption. The Committee unanimously approved that the adoption policy of the Children's Aid Society should incorporate the following statement:

Adoption Policy:

Children's Aid Society for the County of Waterloo is established to serve the total community through the administration of the Child Welfare Act. Our policy must be consistent with these facts. We cannot for instance place children with applicants who would deny medical treatment since this is contrary to the Act. On the other hand we should accept applications from the total community provided we respect the rights and express belief of the clients with whom we work and the children for whom we care.

Adoption Applicants:

1. Neither any specific religious belief nor the lack of it shall be a barrier to any adoption application provided such belief does not conflict with the care of the child as required by the Child Welfare Act.

Placement of Children:

Wards:

Wards of the Children's Aid Society shall be placed for adoption with families having the same broad religious designation as established for the child at his wardship hearing. Exceptions may be made for the hard to place child where extensive efforts have failed to provide a suitable adoption home and it appears that the alternative to placing the child is long-term care in an

institution or unsuitable foster home. Such exceptions shall require the approval of the local director and shall be reported by him to the Executive Committee of the Board.

Non-Wards:

A. Non-wards whose parent(s) requests that they be placed in adoption homes of the same religion shall be placed with families having the same broad religious designation as the parent(s). Exceptions may be made for the hard to place child when extensive efforts have failed to provide a suitable adoption home and it appears that the alternative is placing him in long-term future care in an institution or unsuitable foster home. Such exceptions shall require approval of the local director and shall be reported to the Executive Committee of the Board.

B. Non-wards whose parents have indicated that they do not wish religion to be a factor in the placement of the child will be placed in the most suitable home available.

Motion: The above report was accepted on motion of Mr. Hancock and seconded by Mrs. Kuntz.

Q. Is that still the policy of the Board?

A. Yes, it is.

Q. That you carry out at their request?

A. Yes.

The policy of the Society which was adopted on 20th October, 1966, is set out in Appendix No. 20.

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SECTION 3
CASE LAW

It is well recognized that the welfare of the child is the paramount consideration in adoption. There are many cases which support that proposition. Re: FOX (1948) 3 D.L.R. 754.

We have seen that there are no statutory limitations to adoption; the only criterion being the individual needs of each ward. The case of Re: Lamb 1961 OWN 356 held that this applied to differences in religious faiths. In that case an application was made by the Lambs, of the Protestant faith, for the adoption of a child of the Roman Catholic faith. The judgment of Little D.C.J. sets out the law of this province; "It is therefore my conclusion that it is not a condition precedent to the adoption of children in Ontario that the applicants for adoption must be of the same religious faith as the child."

It is noteworthy in this case that when the foster parents became aware of the intention of the Society to remove the child from their home, they issued a writ claiming an injunction to restrain the Society. A temporary injunction was granted, but dissolved and the appeal was adjourned sine die, undoubtedly to await the outcome of the adoption application.

It is of interest to compare this case with a similar case in Manitoba where their statute law differs from ours. In Re: Hallas and Children's Aid Society of Winnipeg (1961) 26 D.L.R. (2d) 28, the Court of Appeal of Manitoba held that their Child Welfare Act prohibited a non-conforming placement except on a temporary basis. After five years, the Society requested the return of the child for a prospective adoption. The Hallases refused to deliver up the child. The Society succeeded by 'habeas corpus' to obtain possession of him. In view of the provisions of the Act the Hallases asked to be appointed guardians of his person, which was refused. The court held that the broad principles of equity making the welfare of the child the first consideration, are subject to the express terms of the Statute.

The significant feature of this case to me is the fact that the Society took 'habeas corpus' proceedings to get custody of the child from the foster parents, who refused to give him up.

It is noteworthy that in both of the above cases, the respective parties found it possible to institute court proceedings to resolve their conflicts.

CONCLUSIONS

SECTION 1

THE ACTIONS AND PERFORMANCE OF THE DUTIES OF THE SOCIETY
IN THE PLACEMENT AND CARE OF THE CHILDREN

1. The foster home application by Mrs. Timbrell in August, 1966, required an investigation of the applicant to begin within thirty days, interviews with Mr. and Mrs. Timbrell and a report giving a description of the home and an assessment of its competence and suitability (Regulation 18). I find that the investigation was conducted in accordance with the requirements. The Society was justified in accepting the information supplied by the applicant at its face value. Previous experience with other applicants had shown that they could safely act on such information. The reference in the letter of Rev. R. Jutzi to a criminal record of one older child was not sufficient to arouse suspicion, especially in view of the explanation that he was not living at home.
2. The temporary placement of the children in the Timbrell foster home was made in good faith and in accordance with the governing statutes, regulations and policies. There was good reason to believe on the 25th January, 1967, when the children were placed, that the foster home would be in keeping with the needs of the children. (Regulation 16).

3. The children received adequate attention and care from the Society while in foster care, having regard to the existing heavy volume of work and shortage of staff. The regulations require a visit by a social worker within seven days of the admission to the home, then at least once within thirty days thereafter followed by visits at least once every three months thereafter unless otherwise directed by the Local Director. (Regulation 16). I find that more than the minimum required number of visits were made by qualified social workers. The Society were in close enough contact to be made aware of any unusual developments. In the light of the Society's overall obligation to the community, I find that they did manage to maintain adequate communication with the foster parents.
4. Religion was not an issue in the placement and care of the children. The placement was temporary. This obviated the necessity for an application under Section 37 (6) of the Act.
5. The children were placed together in one foster home at that time, simply because it was both convenient and proper to do so. Two children in need of protection were taken into care. An approved foster home which would take two children of that category was available. It was perfectly natural to so place them. No assessment had yet been made as to whether the

children should be kept together or separated. It was therefore in order that the placement should conform to the general basic policy of the Society of not making any unnecessary separations of siblings.

6. I have no doubt that the children would not have been placed in the Timbrell foster home if all of the facts and circumstances had been known to the Society at the time of the placement. The pattern of anti-social behaviour indicated by the records of the father and three children would certainly have disqualified the Timbrells as suitable foster parents. The good physical care and the relatively short time involved make it unlikely that the children have suffered from their exposure to this environment.

SECTION 2

THE ACTIONS AND PERFORMANCE OF THE DUTIES OF THE SOCIETY IN THE REMOVAL OF THE CHILDREN

1. Mr. Jerome Diamond and Dr. F.J. Turner gave very lucid descriptions of the principles applicable to the assessment of foster and adoptive homes. I accept their evidence that the basic considerations are the physical facilities and the stability of the home. In the case of adoptive homes, however, it would appear that the assessment of the whole family becomes more important. The adoption policies of the Society are in

accordance with the general standards. The only imperative imposed by statute is that the Society have regard to the best interest of the individual child.

2. The policy of the Society with reference to religion is that neither any specific religious belief nor the lack of it, shall be a barrier to an adoption application, provided such belief does not conflict with the care of the child as required by the Act. I can find nothing wrong with this policy.

3. As to sibling separation, it is the policy of the Society, that they should be placed together unless it is more beneficial to the individual child to place them separately. It should be borne in mind that the paramount obligation of the Society is to place children in permanent homes. (Section 84).

The policy of keeping the children together where desirable may on occasion be subordinated to effect a satisfactory permanent placement. I consider this to be a sensible compromise.

4. A criminal record would not per se mean the rejection of an adoption application. The nature of the offence and the indication of a pattern of behaviour would be the deciding factors. I cannot find fault with this approach.

5. The application of Mr. and Mrs. Arthur Timbrell to become adoptive parents was rejected by the Society in good faith and in accordance with the statutes, regulations and policies. In order to remove any suspicion of prejudice, the Society arranged for an impartial assessment by Miss Charleson of the Department.

6. The decisions of the Society on the prospective adoption placements of the children which led to their removal from the foster home were made in good faith and in accordance with the statutes, regulations and policies.

7. The Minister had the authority to investigate the proposed adoption of the children and to issue the press release delineating the governing policies. His statement embodied the established principles of sibling separation on adoption. This did not interfere with the responsibility and authority of the Society.

8. It was proper for the Society to obtain advice from the Department and from its legal advisers, including the Crown Attorney. The final responsibility for any action taken, however, remains with the Society. There is no doubt that the Society did have the legal right to take the children into its custody. It seems to me, however, that the Society

showed poor judgment in exercising that right under the existing circumstances. Indeed, on the 10th August, 1967, the representatives of the Society acted correctly in making a discreet retreat. On the 28th September, 1967, they were fully aware of the preparations that had been made to meet them. Under those circumstances they should not have forced a confrontation. In my opinion the work of the Society is involved with a very sensitive area of human activity. It is trite to say that nothing is more sacred to us than the welfare of our children. It is for that reason that an unusually high standard of conduct is required and expected of those engaged in child welfare services.

9. During the outbreak of violence which took place on the 28th September, 1967, the representatives of the Society acted with unusual restraint and forbearance in the face of extreme provocation. The same is true of the members of the Preston police force. There was no force used by the Society or the police in the process of removing the children from the Timbrell home. The Society did not cause or in any way participate in the violent behaviour which took place.

10. There was ample communication between the Society and the Timbrell foster home. The complaint of lack of communication is not justified. Mrs. Timbrell admitted that she would only be satisfied by the confirmation of her own views. It was confirmation that she wanted not communication.

11. I find that the weight of evidence is decidedly against the validity of the two grounds advanced by Mrs. Timbrell as justification for her behaviour. The following evidence impressed me on the question of sibling separation:

- (1) Mrs. Janet Stevens states that Mrs. Timbrell never told her that she objected to separating the children.
- (2) Mrs. Judith Marston testified that the children were not dependant on each other and that there were good psychological reasons for separating them.
- (3) Miss Caroline Binnie states that the children could be placed together or separately.
- (4) Miss Veronica Franck from her study is of opinion that they could be placed separately.
- (5) The Psychologist, Mr. David Cole, found that it might be proper to separate the children because of their difference in personalities.

- (6) Mr. James Harris, a qualified social worker, pointed out that all factors are to be considered in deciding as to separation.
- (7) Mr. Thomas Smith stressed that the interest of the individual child was the deciding factor.
- (8) Mrs. Ruth Conley's assessment is decidedly to the effect that the children should be separated.
- (9) Both Mr. Jerome Diamond and Dr. F.J. Turner confirm that separations may be justified under some circumstances.

There is no doubt that on the evidence there just is no validity to the contention that the children were so dependant on each other that they couldn't be separated.

Now on the question of the difference in the religious faiths, again considering all the evidence, I note the following:

- (1) Mrs. Janet Stevens states that there never was a question of religious faith discussed with Mrs. Timbrell.
- (2) When Miss Binnie told Mrs. Timbrell that prospective homes had been found with parents of the Roman Catholic faith, she replied to the effect that she knew that religion could not be a factor.

- (3) The policy of the Society was at all times clearly set out, understood and followed.
- (4) There is nothing in the legislation to prevent adoptions of other religions when deemed proper.
- (5) Mrs. Conley and Mrs. Timbrell agree that when Mrs. Conley visited on the 18th August, 1967, Mrs. Timbrell produced the 1966 Annual Report of the Society. She directed Mrs. Conley's attention to an expression of policy which made it clear that religion was not a barrier.

12. Counsel for Mrs. Timbrell criticized the evidence of Mrs. Ruth Conley, the social worker who was subsequently assigned to the case. I find that her assessment of the psychiatric condition of Mrs. Timbrell played no part in the decision to reject the application for adoption nor in the removal of the children from the home. That being so, I did not deal with the validity of her report in that respect or the evidence of Dr. George Scott or Dr. James Hartford.

SECTION 3

THE ACTIONS AND PERFORMANCE OF THE DUTIES OF THE FOSTER PARENTS IN THE PLACEMENT AND CARE OF THE CHILDREN

1. Mr. and Mrs. Arthur Timbrell, as prospective foster parents, did not act in good faith when they did not disclose the criminal

records and family background at the time of their original foster home application on the 18th August, 1966. Nor did they make full disclosures on their subsequent application for adoption on 21st August, 1967. The explanations for withholding the information given at the hearing are not convincing.

2. The children were warmly received into the foster home and their physical needs were adequately supplied while they remained therein.

3. The foster parents did not co-operate in the preparation of the children for adoption. They became emotionally attached to the children and did not exercise good judgment in raising the issues of differences of religious faith and separation of siblings. I am satisfied that it would have pleased them to have the children remain with them indefinitely as foster children.

4. Mrs. Arthur Timbrell was wrong in inviting the news media to participate in the dispute with the Society. It was not in the best interest of the children to direct the glare of publicity upon them.

5. Mrs. Arthur Timbrell, as a foster mother, was wrong in discussing the matter with the neighbours and arousing them to support her position.

6. As foster parents they failed to recognize the paramount responsibility of the Society to look after the best interests of the children.

7. Mrs. Arthur Timbrell destroyed the relationship between the Society and the foster home so that they were unable to work together as a team for the best interests of the children. If the proper relationship had existed, her advice on the question of sibling separation would have carried more weight.

SECTION 4

THE ACTIONS AND PERFORMANCE OF THE DUTIES OF THE FOSTER PARENTS IN THE REMOVAL OF THE CHILDREN

1. Mr. and Mrs. Arthur Timbrell, as foster parents, were fully aware that they had no legal right to retain custody of the children. The temporary nature of foster home placement was well known to them. They had acknowledged this in writing as late as the 21st August, 1967, in their adoption application. In spite of this, they refused to give them up when properly requested to do so on the 10th August, 1967, and again on the 28th September, 1967.

2. They acted improperly and not in the best interests of the children, by arranging for the presence of the news media on the 10th August, 1967, and the 28th September, 1967. The numerous public interviews and statements to the press were unwarranted.

3. They acted improperly in rallying the neighbours and the general public to oppose and resist the legitimate decisions of the Society.

4. Mrs. Arthur Timbrell admits taking the law into her own hands. There was no justification for so doing.

5. The Timbrell family alone were guilty of violent behaviour on the 28th September, 1967. Mrs. Arthur Timbrell, Margaret Timbrell and Wayne Timbrell admit their use of violence.

It was beyond doubt an indiscriminate display of indignation.

6. The Timbrell family had carefully planned the events of 28th September, 1967. They had decided to resist any efforts to remove the foster children from their home. They were completely oblivious to the results of their improper conduct. They have no regrets, except that their efforts were not more successful.

SECTION 5

FUTURE CARE AND ADOPTION OF THE CHILDREN

1. The children are now adequately provided for in a good foster home. They should remain there until moved in accordance with adoption practices.

2. The children should be placed in accordance with the adoption policies of the Society, pursuant to the letter from the Local Director dated the 27th day of November, 1967, and attached hereto as Appendix No. 21. The Society will carry out its responsibility and place the children for adoption in accordance with the individual needs of each child, subject in due course to the approval of the Court.

RECOMMENDATIONS

1. The welfare of the child is best assured by the team effort of the Society and the foster home. Positive steps should be taken to ensure the utmost co-operation of foster parents. I believe that a better understanding by each of its respective responsibility would lead to better co-operation. A written agreement between the parties setting out the rights and obligations in some detail should be of considerable help.
2. While the physical requirements of a child are of immediate importance, the long-term effects of other factors must not be overlooked. It is therefore important to have a full investigation of prospective foster homes. A standard detailed questionnaire to be completed by all foster home applicants would be very helpful.
3. The work of the Society in dealing with the welfare of children is a sensitive area of human relations. The professional social worker has an exceedingly high degree of responsibility and must at all times conduct his work with the utmost discretion, tact and diplomacy. The very occurrence of a violent outbreak is evidence of failure to meet the required standard. This principle should be impressed upon all engaged in child welfare work.

1. Introduction

The following text is a very faint and blurry scan of a document. It appears to be a multi-paragraph text, possibly a report or a letter. The content is illegible due to the quality of the scan. The text is organized into several paragraphs, with some lines appearing to be part of a list or a structured document. The overall layout suggests a formal or professional context.

4. I am particularly impressed by the fact that in the Lamb case, the foster parents made an application to the Court by issuing a writ claiming an injunction, while in the Hallas case the Society took 'habeas corpus' proceedings. In neither case did the parties enter upon a collision course which at best would be distasteful and at worst disgraceful. Foster parents and Societies must make such use of the legal procedures presently available, as will afford opportunity for the hearing and resolving of disputes in a civilized manner.

5. With the increased pressure of work, some lack of communication between the Society and the foster parents may develop. In order to resolve conflicts between the parties, it might be advisable to amend the Child Welfare Act by adding a new subsection to Section 38 thereof as follows:

- (4) An application may be made to a Judge of the Supreme Court of Ontario or of the County or District Court of the County or District in which a ward of the Crown or of a children's aid society, the foster parents or the children's aid society are located, to hear and determine any dispute between the foster parents and the children's aid society arising from any matter dealt with in this section.

All of which is respectfully submitted this 2nd day
of January, 1968.

Judge Harry Waisberg

Department of
Social and Family Services
Office of the Minister

IN THE MATTER OF Valerie and Peggy, wards in the care of the County of Waterloo Children's Aid Society, placed by it in the foster home of Mr. and Mrs. Arthur Timbrell as defined in Section 19 (C) of the said Child Welfare Act.

IT IS HEREBY ORDERED that, pursuant to the provisions of Section 3 of the above named Act and effective September 30th, 1967, His Honour Judge Harry Waisberg, a Judge of the County Court of the County of York be and he is hereby appointed,

1. In the interest and for the well-being of the above named children, to investigate, inquire and report upon
 - a) the placement and care of the said children in the foster home of Mr. and Mrs. Arthur Timbrell, and their removal therefrom;
 - b) the actions and performance of duties of the County of Waterloo Children's Aid Society and its officials and of any other person, organization or agency relating to such placement, care and removal;

c) the circumstances relating to the wardship of the said children and the proposals and plans for their future care, and eventual adoption.

2. To report his findings and to make such recommendations as he may deem fit to the Minister of Social and Family Services,

with power pursuant to The Public Inquiries Act R.S.O. 1960 chapter 323 of summoning any person and requiring him to give evidence on oath and to produce such documents and things as he deems requisite to the full examination of the matter into which he is appointed to examine.

AND IT IS HEREBY FURTHER ORDERED that all Government Departments, Boards, Agencies and Committees shall assist the said Judge to the fullest extent in order that he may carry out his duties and functions and that he shall have authority to engage such counsel, research and other staff and technical advisers as he deems proper at rates of remuneration and reimbursement to be approved by the Treasury Board.

Dated at Toronto, this 2nd day of October, 1967.

Sgd. John Yaremko

John Yaremko, Q.C.,
Minister of Social and Family Services

Department of
Social and Family Services

68.

Office of the Minister

IN THE MATTER OF Valerie and Peggy, wards in the care of the Children's Aid Society for the County of Waterloo, placed by it in the foster home of Mr. and Mrs. Arthur Timbrell as defined in clause (c) of subsection 1 of section 19 of The Child Welfare Act, 1965.

WHEREAS in an order made on the 2nd day of October, 1967 pursuant to the provisions of section 3 of the above named Act appointing His Honour Judge Harry Waisberg to conduct a judicial inquiry, the statute and section thereof referred to in the heading of the said order was cited in the said heading as "section 19(c) of the said Child Welfare Act"

AND WHEREAS the Children's Aid Society referred to in the heading and in clause (b) of paragraph 1 of the said order was described as "the County of Waterloo Children's Aid Society"

AND WHEREAS the correct citation of the said statute and section thereof is "clause (c) of subsection (1) of section 19 of The Child Welfare Act, 1965" and the correct corporate name of the said society is "The Children's Aid Society for the County of Waterloo"

NOW THEREFORE IT IS HEREBY ORDERED that the said order be and it is hereby amended by

1. deleting the words "The County of Waterloo Children's Aid Society" in the heading and in clause (b) of paragraph 1 and substituting therefor in each case "The Children's Aid Society for the County of Waterloo" and
2. deleting the words "section 19 (c) of the said Child Welfare Act" in the heading and substituting therefor "clause (c) of subsection (1) of section 19 of The Child Welfare Act, 1965".

Dated at Toronto,
this 3rd day of
November, 1967.

Sgd. John Yaremko

John Yaremko, Q.C.
Minister of Social and Family Services

OPENING STATEMENT

"It might be useful at this time if I were to address some opening remarks and also to indicate the nature and scope of the hearing following from the appointment of myself as Commissioner under the provisions of the Act and in accordance with the Commission which you have just read.

I would like to emphasize that the prime consideration of the hearing will be the welfare of the children. In that respect I considered it my first duty upon receipt of a copy of the Commission to assure myself of the present health and welfare of Peggy and Valerie. I might, therefore, state at this time that I have visited the children and have found them to be happy and content in their temporary home. I am satisfied that their welfare and well-being have been safeguarded for the present. I expect that they will remain where they are with no change in their status until the investigation and the report have been completed in accordance with the terms of reference.

I take it that the functions of this Commission are to inquire into and report upon the matters set out in the Order which has been read. In that respect I intend to conduct the proceedings under the provisions of the Child Welfare Act and the Public Inquiries Act; and I intend that the inquiry shall be public in its nature and shall have the widest possible scope. There is, however, one serious reservation, and in this I urge the co-operation of all concerned, as well as the co-operation of the news media, that to the extent that it is possible I hope to keep the identity and activities of the children from the public eye. I consider it to be in the best interests of the children that they be as anonymous as possible under these circumstances. I would like the same considerations to apply to the present residence of the children. I would consider it to be in poor taste for the spotlight of publicity to be directed to the children or to their present residence.

I might also state at this time that it is my earnest desire that all interested persons be heard. Everyone will be given a full opportunity of speaking, either directly or through their counsel,

or both, and counsel will be given both opportunity to examine and cross-examine all witnesses. Primarily the witnesses will be called by counsel to the Commission, who will examine the witnesses, and they will then be open for cross-examination by all other counsel present. If other counsel wish to call witnesses they may do so, or if they wish to have persons called by the Commission counsel as witnesses, then they may communicate with Commission counsel. If there is any disagreement about how the witnesses should be called I may be spoken to in that respect and I will issue the necessary Order. I would think, for the purpose of an orderly development of the evidence, that the Commission counsel should call his witnesses first, to be followed by the witnesses of the other interested parties, and then to be followed by anyone else who may wish to bring forth any information respecting this matter. After all the evidence has been heard the parties or their counsel may address the Commission with reference to the matters under investigation.

I want to emphasize at this time that we are not trying a case in Court; nor are there any charges against anyone. There is no issue as between any of the parties.

I urge everyone to bring forth all the relevant facts, material and information so that my report may be as full and complete as possible.

Parties who feel they should be represented by counsel and are unable or unwilling to make personal arrangements may make representations to me in that respect.

I fully realize that the subject matter of this Inquiry is charged with emotion. I urge the co-operation of everyone so that we may conduct this Inquiry in a quiet, calm and dignified manner which will reflect creditably upon all who are associated with the Inquiry."

LIST OF WITNESSES

- | | |
|-------------------------------|----------------------------|
| 1. Mr. Harold Daufman | 23. Mrs. Dorothy Timbrell |
| 2. Miss Betty Graham | 24. Dr. George Scott |
| 3. Mrs. Janet Stevens | 25. Mr. Arthur Timbrell |
| 4. Father W.F. Sherlock | 26. Miss Margaret Timbrell |
| 5. Mrs. Judith Anne Marston | 27. Mr. Leonard Gladstone |
| 6. Miss Caroline Binnie | 28. Mr. Wayne Timbrell |
| 7. Mr. James W. Dickenson | 29. Mrs. Hazel Patullo |
| 8. Miss Veronica Franck | 30. Mr. Jerome Diamond |
| 9. Miss Laurie Charleson | 31. Mr. Charles Goodfellow |
| 10. Mr. Edward Magden | 32. Mr. Wilfred Kealey |
| 11. Mrs. Edyth M. Forsyth | 33. Mr. Clarence Buchanan |
| 12. Miss Mary Matheson | 34. Mr. William Patullo |
| 13. Mr. David Cole | 35. Dr. James Hartford |
| 14. Mr. James Harris | 36. Dr. F.J. Turner |
| 15. Mr. Thomas Smith | 37. Miss Frances Scott |
| 16. Mr. David Barkman | 38. Mrs. June Prong |
| 17. Mrs. Ruth Conley | |
| 18. Mr. John Donnachie | |
| 19. Mr. Peter McGhee | |
| 20. Mrs. Olive Bolton | |
| 21. Police Chief Arthur Woods | |
| 22. Mr. Wilson Hunsberger | |

LIST OF EXHIBITS

1. Copy of Order calling Commission.
- 1(a) Copy of ad in Kitchener Record and Affidavit.
- 1(b) Copy of ad in Galt Reporter and Affidavit.
2. Written note of H.L. Daufman re charge under 236 1(a) of C. Code.
3. Copy of procedure policy (Miss Graham).
4. C.A.S. blank application form (for child).
5. C.A.S. Confidential Report on prospective home (blank).
6. Completed application C.A.S. (for child).
7. Letter from Buchanan to Donnachie.
8. Letter from Mr. and Mrs. Kilpatrick.
9. Letter from Rev. R. Jutzi.
10. Letter from Allan E. Reuter M.P.P.
11. Letter from Carol Steinman.
12. Letter from Dr. A.D.C. McLagan.
13. Boarding home social history (completed).
14. Family history (Timbrell).
15. Record of child's history (Peggy).
16. Record of child's history (Valerie).
17. Adoption Exchange form (Peggy) "information sheet".
18. Adoption Exchange form (Valerie) "information sheet".

19. History of Peggy from June to August, 1967 "C. Binnie".
20. History of Valerie from June to August, 1967.
21. Memo from Miss C. Binnie to Mr. Cole.
22. Copy of proceedings before Judge R.H. Fair, January 31st, 1967.
23. Copy of proceedings before Judge R.H. Fair, April 4th, 1967.
24. Copy of proceedings before Judge R.H. Fair, June 13th, 1967.
25. Press release August 11th, 1967, Mr. Yaremko.
26. Letter to Deputy Minister, August 18th, 1967 from V. Franck.
27. Copy of Photo and article (newspaper) "To-days Child".
28. Report of Laurie Charleson re: Timbrell Adoption application.
29. Letter Miss Graham to Mr. Hunsberger, October 6th, 1967, and application.
30. Letter Child Welfare Branch to Mr. Hunsberger, September 1st, 1967.
31. Letter Miss Graham to Hunsberger enclosing Dr. McLagan, letter.
32. Letter Child Welfare Branch to Hunsberger, September 6th, 1967, enclosing letter of Pearson & Ewald.
33. Letter Child Welfare Branch to Hunsberger, August 31st, 1967, enclosing letter of Mr. Buchanan.
34. Letter C.A.S. to Miss Graham, August 31st, 1967, enclosing resolution.
35. Letter Miss Graham to Husson of C.A.S. September 25th, 1967.
36. Report to Miss Graham of C.A.S. Board meeting with Magder & Forsyth.
37. C.A.S. Pamphlet "Your Chosen Child".

38. Psychological Tests and worksheets (Peggy) ~~sealed~~.
39. Psychological Tests and worksheets (Valerie) - sealed.
40. Annual Report of C.A.S. for 1966.
41. Report of Ruth Conley re interview with Timbrells - sealed.
42. Photo of locale and group of people at 1431 Eleanor Street, Preston, September 28th, 1967.
43. Photos (2) wire of melee.
44. Newspaper tear sheets of photos.
45. Warrant signed by W.C. Woods.
46. Photo of Donnachie and others (Valerie).
47. Photo of Donnachie and D. Timbrell.
48. Letter Donnachie to C.A.S. Perth, July 21st, 1967.
49. Tear sheet Galt Reporter, page 17 re "D. Timbrell plea for help".
50. Warrant for arrest of D. Timbrell 236(1)(a) C.C.
51. Photo of Police restraining Timbrell daughter.
52. Wire Photo of Police and Mrs. Timbrell.
53. Wire Photo of Police and Timbrell girl.
54. Photo of Mrs. Timbrell in car with Peggy.
55. Report of Chief A. Woods re incident.
56. Letters Patent re C.A.S. of County of Waterloo.
57. Letters Patent (supplementary to X56).
58. General By-law #5 C.A.S.
59. Certified copies of Minutes (committee meeting (child care) C.A.S.) County of Waterloo.

60. Certified copies of Board of Directors meeting (minutes) C.A.S. County of Waterloo.
61. Kitchener-Record news item, August 12th, 1967.
62. Kitchener-Record news item, August 11th, 1967.
63. Globe and Mail news item, August 11th, 1967.
64. Tapes of interview - Hunsberger and Timbrell, August 14th, 1967.
65. Transcript of tapes in Exhibit No. 64.
66. Confidential Report of Hunsberger to C.A.S. Board of Directors.
67. Sealed Exhibit Report of Miss N. Scott (Kingston).
68. Minutes of Board of Directors C.A.S., September 21st, 1967.
69. Letter C.A.S. to Timbrell, September 25th, 1967 (Registered).
70. Press Release C.A.S.
71. Press Release C.A.S.
72. Press Release C.A.S.
73. Memo from Child Director to Hunsberger.
74. Minutes of Executive Meeting C.A.S., September 29th, 1967.
75. Press Release of Honourable John Robarts.
76. Memo to Staff of C.A.S.
77. Press Release C.A.S.
78. Editorial from Globe & Mail, September 14th, 1967.
79. List of Board of Directors C.A.S., 1967.
80. Marriage Certificate Timbrells.
81. Information re (Margaret Timbrell).

82. Order of Juvenile Court March 27th, 1962 (Margaret).
83. Certificate of conviction (Margaret).
84. Order of Juvenile Court May 2nd, 1957 (Rodney).
85. Reports of Dr. Billings and B.L. Scammell, April 25th, 1957, and April 9th, 1957.
86. Certificate of conviction (Rodney), April 12th, 1957.
87. Certificate of conviction (Rodney), February 10th, 1961.
88. Application for summons (Kingston P. Dept.) and Statement of Rodney.
89. Certificate of conviction (Rodney), February 14th, 1961.
90. Certificate of conviction (Rodney), May 30th, 1961.
91. Certificate of conviction (Rodney, April 29th, 1961.
92. Certificate of conviction (Rodney), April 29th, 1961.
93. Certificate of conviction (Rodney), January, 1961.
94. Certificate of conviction (Rodney), April 29th, 1961.
95. Certificate of conviction (Rodney), June 14th, 1962.
96. I.D. Sheet (Rodney).
97. Charge Sheet (Rodney), October 29th, 1967.
98. Charge Sheet (Rodney), October 21st, 1967.
99. I.D. Sheet (Rodney), October 23rd, 1962.
100. I.D. (Rodney), January 9th, 1963.
101. Pre sentence Report (Rodney).
102. Report of Mental Health examination.
103. Certificate of conviction (Rodney), January 27th, 1965.

104. I.D. Sheet (Rodney).
105. Information Sheet (Rodney).
106. Certificate of conviction Arthur Timbrell (husband), August 22nd, 1960.
- 106(a) I.D. Sheet - Arthur Timbrell.
107. Information and complaint sheet re Arthur Timbrell.
108. Letter Ontario Hospital to Magistrate Garvin re Arthur Timbrell.
109. Certificate of conviction, November 7th, 1960, re Arthur Timbrell.
110. Letter Mrs. Timbrell to "whom it may concern" re Rodney.
111. Report of Dr. Scott on D. Timbrell.
112. Certificate of conviction Arthur Timbrell, October 13th, 1956.
113. Record of Supervision (Arthur Timbrell) husband.
114. T.V. film.
115. T.V. film.
116. Certificate of conviction (Wayne Timbrell), December 24th, 1959.
- 116(a) Warrant (Kingston Police) Wayne Timbrell.
117. Certificate of conviction Wayne Timbrell, May 13th, 1960.
118. Warrant (Kingston Police) Wayne Timbrell.
119. Certificate of conviction Wayne Timbrell, July 22nd, 1961.
120. Certificate of conviction and summary of evidence, Wayne Timbrell, December 13th, 1965.
121. Recognizance, Arthur R. Timbrell, August 25th, 1960.

122. Statement of Wayne Timbrell re B&E&T charge at Arena.
123. Police file card on Wayne Timbrell.
124. Qualifications of Mr. J. Diamond.
125. Letter - C.A.S. to Lohead, November 27th, 1967, re future of children.

G E N E R A L O C C U R R E N C E S
P R E S T O N P O L I C E

REFERENCE NO. 50-C-1

OCCURRENCE NO. 2401/67

RECEIVED BY: NAME G. N. Bogle RANK: Inspector

HOW RECEIVED: (State) Personal

WHEN RECEIVED: On Wednesday the 27 day of September 1967 Time 1 P.M.

REPORTED BY

NAME Mr. William Donnachie
ADDRESS c/o Childrens' Aid Society
PLACE Galt
PHONE NO.

OCCURRENCE: Assistance

ASSIGNED TO: NAME Woods-Hallman-Little DATE Sept.28, 1967 Time 12.45
p.m.FURTHER INFORMATION REGARDING SERVICES

Mr. Donnachie requests this Departments assistance in removing two small Children who are Wards of the Childrens' Aid Society from the home of Mrs. Arthur Timbrell at 1431 Eleanor Avenue, Preston, at 1 P.M. on Thursday September 28th, 1967

Chief Woods has assigned himself and Sgt. M. Hallman & Const. A. Little to attend at the above address at 1 P.M.

CLASSIFICATION OF OCCURRENCE

Sgd. G. Bogle

TO BE COMPLETED FOR RECORDING PURPOSE

THIS OCCURRENCE IS:

Unfounded:

Pending: xxx

<u>CLEARED</u>	<u>PERSONS CHARGED</u> (State No.)	<u>THIS OCCURRENCE CONSISTS</u> <u>OF:</u>
DATE Sept. 28 1967	<u>ADULT</u> <u>JUVENILE</u>	Investigation Report XXX
Cleared - Charge <u> X </u>	Male Female Male Female	
Cleared - Otherwise <u> </u>	1	
Cleared - Juvenile <u> </u>		
<u>OFFICER'S SIGNATURE</u>		

Sgd. C.A. Woods

DEPARTMENT OF CHEMISTRY

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D I S P O S I T I O NWHO?

Mr. William Donnachie, c/o Children's Aid Society,
Galt.

Mrs. Arthur Timbrell, 1431 Eleanor Avenue.

On Thursday, September 28th, 1967, at 1.15 p.m. Chief Woods, Constable Little, and myself went to Eleanor Street, in the Town of Preston. At 1.30 p.m. this date members of the Children's Aid Society arrived at 1431 Eleanor going to the front door. Mr. William Donnachie went to the door and spoke to Mrs. Timbrell, who was standing inside the door. She did not open the door. Mr. Donnachie read the contents of a Warrant to Search and remove in accordance with Section 21, sub. (1) (2) of the Child Welfare Act of Ontario, to Mrs. Timbrell. She refused to let the C.A.S. officials into her home and also refused to bring the children out to them. At this time the C.A.S. officials left. During the above mentioned episode Chief Woods and myself were located on the sidewalk on the south side of Eleanor Street, opposite the Timbrell home. When the C.A.S. official left we were converged on by a large group of reporters and people from the news media. Chief Woods gave them a statement in my presence stating that we were not taking sides in this issue but were there strictly to keep the peace.

He also stated that if a Warrant was issued for the arrest of Mrs. Timbrell we would have no choice but to take action if the Warrant was proper and in order.

At 2.55 p.m. Mr. Hunsberger of the C.A.S. came to the Preston Police Office with a Warrant for the arrest of Mrs. Timbrell charging her with abduction of the two children in question, contrary to section 236 (1)(a) of the Criminal Code of Canada. At 3.00 p.m. Chief Woods, Constable Little, Constable Richardson and myself went to the Timbrell residence. Chief Woods and myself went to the front door. The Chief rapped on the door and it was answered by Mrs. Timbrell. She was told by the Chief that we had a Warrant for her arrest and the Warrant was read to her. At this time there was a lot of crying, cursing and shouting from inside the house. Suddenly the door opened and Mrs. Timbrell and all her family came out of the house shouting and crying and hollering. As soon as they got off the front porch some of them grabbed the Chief of Police and pushed and jostled him about. Mrs. Timbrell shouted that they were all going in (to goal) because there was no one there to look after her children. There was a mad bout of pushing and we (the police) were hit from different angles as we worked our way to the police car with Mrs. Timbrell. Most of the family climbed into the car filling the car except the front seat. Mrs. Timbrell finally got into the front seat. A girl

sitting in the back seat started to climb over the back of the front seat grabbing hold of the Chief. Constable Richardson grabbed her pulling her out of the cruiser via the rear door. She was kicking and fighting all the time. Constable Richardson tried to subdue her but finally let her go as she continued to fight him. Mrs. Timbrell got out of the cruiser screaming for her children. I tried to hold her back and talk to her and she hit me in the face knocking my hat off. I took hold of her left arm and she struck two more times in the face. I managed to get her around to the rear door on the other side of the cruiser with the help of Constable Little, and other officers. As we were trying to place Mrs. Timbrell back in the cruiser I heard someone holler look out and I saw an older model car coming down Eleanor Street, at a high rate of speed. This car stopped approximately twenty feet from us and Wayne Timbrell, a son, came charging out of the car towards us shouting and cursing ordering us to let go of his mother. I told Wayne that his mother was under arrest and that she would have to go with us. He stated that he did not care and that we were not going to take his mother anywhere. He started to push all of us around and we grabbed him and fought him to the ground and handcuffed him, placing him under arrest for obstructing police. Corporal Toleff who was off duty in plain clothes came to our assistance

when arresting Wayne. After Wayne was placed in the cruiser he became quite sensible and behaved himself. I then went to the car being used by the C.A.S. officials and I found that the youngest child in question was in this car. Members of the Timbrell family were attempting to break into this car and get the child. I pushed them away from this car and at this time Mrs. Conley of the C.A.S. and William Donnachie got out of the car and started to walk towards the Timbrell home to get the other child. Mrs. Conley and Mr. Donnachie were attacked by two of the older Timbrell sisters and Mrs. Conley was thrown to the ground. I went to assist her and before I got there Mr. Donnachie had helped her to her feet. When I arrived at the scene one of the Timbrell sisters ran back to the C.A.S. car and started pounding at the windows of the car. I ran back to this car and pushed her away and at this time she grabbed for my revolver stating she was going to shoot me. I noticed Constable Little struggling with Mrs. Timbrell and I assisted him in placing her in a cruiser. Constable Little and Constable Richardson then took Mrs. Timbrell to the Preston Police office. I went back to the cruiser where Corporal Toleff was sitting and at this time the Chief of Police and Wayne Timbrell came from the Timbrell home. They had been inside trying to locate the older of the two girls. Wayne had simmered down by this time and was co-operating with us.

Wayne was taken to the police office at this time.

At 4.00 p.m. Chief Woods and Mrs. Timbrell left the police office together and went to a neighbours home directly across the street from the Timbrell residence. They found the older of the two girls in this house hiding behind a chesterfield. The Chief, Mrs. Timbrell and the little girl returned to the Preston Police Office at approximately 4.30 p.m. The little girl was turned over to Mr. Donnachie and was taken to the Kitchener office of the C.A.S. Miss Benedict went with Mr. Donnachie to be with the little girl.

Wayne Timbrell was released to be summoned to Court and Mrs. Timbrell was released on her own recognizance.

Sgd. Sergeant M. Hallman

On Wednesday, September 27th, 1967, at approximately 1.00 p.m., Mr. William Woods, Justice of the Peace, Mr. William Donnachie of the Children's Aid Society and myself discussed the Timbrell affair. At this time, Mr. Donnachie stated that he wanted a warrant taken out for the removal of the two children in question from the Timbrell residence on Thursday, September 28th, 1967. At this time, a warrant was drafted and Mr. William Woods requested Mr. Donnachie to take the warrant to his

superiors to see if the wording was in order and also to check with the Crown Attorney in regards to the wording. If any changes were to be made, they would be made before Mr. William Woods signed the warrant.

Mr. Donnachie returned in the afternoon of Wednesday, September 27th, 1967 and informed Miss Benedict (Chief's Secretary) of certain changes which were to be made. A new warrant was then drafted. At approximately 10.00 a.m. on Thursday, September 28th, 1967, this warrant was signed by Mr. William Woods, Justice of the Peace.

At approximately 10.30 a.m. on Thursday, September 28th, 1967, Mr. William Woods telephoned me. At that time he stated that he had driven by the Timbrell residence on Eleanor Street and he feared there would be a lot of trouble. He suggested that if any trouble was encountered while removing the children on the warrant issued, it might be possible to summons Mrs. Timbrell to court and let the Courts decide the outcome.

On Thursday, September 28th, 1967, at 11.00 a.m., I viewed the scene on Eleanor Street. I then telephoned Mr. William Donnachie and informed him of the situation and asked him if we couldn't summons this woman to court.

At approximately 1.15 p.m. on Thursday, September 28th, 1967, Sergeant Hallman and I responded to the area and waited for the

CAS officials to arrive. At approximately 1.30 p.m., Mr. Donnachie and two other representatives of the C.A.S. pulled into the driveway of the Timbrell home. These three officials then approached the door of the Timbrell residence, at which time I believe the warrant was read to Mrs. Timbrell. In a very short time, these three representatives of the CAS left in a hurry. During this time, Sergeant Hallman and I remained on the opposite side of the street. I had informed Sergeant Hallman upon leaving the Station that we would be in the area only to preserve the peace and would not take sides.

After receiving the warrant from Mr. Hunsberger on Thursday, September 28th, 1967, at approximately 3.30 p.m., I telephoned the Crown and at this time was advised that if she (Mrs. Timbrell) refused to open the door, I was to break in. In any event, I was to arrest her.

At approximately 3.40 p.m., Sergeant Hallman and I responded to Eleanor Street. At this time, with the use of a bull horn, I ordered all reporters back 20 to 30 feet from the house. Sergeant Hallman and I then went to the front door and knocked. Mrs. Timbrell came to the door. I identified myself as a police officer and said that I had a warrant for her arrest. At this time, she requested that I read the warrant to her. After I had read the warrant, Mrs. Timbrell went into the

house. After a few moments, she came out and stated - "If I am going to jail, my whole family is going." With this I said "Fine." and my intentions were that after the family reached the station, it would be easy to separate them away from the eyes of the public.

Everything was going fine and everyone got into the cruiser except for Mrs. Timbrell. Just outside the **cruiser** she turned to me and said - "If I go to jail, who is going to look after my children?" At this time some unknown person yelled - "The Children's Aid Society will look after your whole family!" With this, everyone came out of the cruiser and all Hell broke loose. For several minutes it was almost impossible to keep the family controlled. At the height of the confusion, Wayne Timbrell came racing down the street in an old model car. He came to an abrupt stop, jumped from the car and took after the police officers, swearing and swinging his fists. After he had hit either Sergeant Hallman, Constable Little or Constable Richardson, I instructed the officers to arrest the man. After a struggle, he was handcuffed and placed in the back of the cruiser.

During the confusion, I looked up the street and witnessed Mrs. Timbrell attack Mr. Donnachie of the CAS. I immediately went to Mr. Donnachie's assistance by placing my hand on Mrs. Timbrell's shoulder and told Mrs. Timbrell that this was no place

to be carrying on like this. I instructed her to come to the police station with me where we could talk this over with the CAS officials and myself in a sensible manner. With this Mrs. Timbrell turned to me and said - "All right, Mr. Woods." From this point on, Mrs. Timbrell changed her complete attitude. I instructed Constables Little and Richardson to bring Mrs. Timbrell to the station and I would see her later.

I then went back to the cruiser where Wayne Timbrell was sitting handcuffed in the back seat. I instructed Corporal Toleff to remove the handcuffs and asked Wayne to come into the house with me and we would try to locate the other little girl (Peggy) who had fled the scene. Valerie had already been picked up by one of the CAS officials.

Wayne and I went into the house. However, we were unable to locate the missing girl (Peggy). We returned to the cruiser and Sergeant Hallman and I brought Wayne to the Police Station. I told Wayne to sit in the kitchen and have a cup of coffee. I also instructed Constable Little to sit with him. After this, I went to the ladies' cell and asked Mrs. Timbrell to come with me into the Traffic Office. In the Traffic Office I spoke to Mrs. Timbrell and tried to explain the situation I was in and that the best thing for her at the present time was to try to find the missing girl. At this time, my main concern was that

Peggy could be hiding outside and if we didn't find her, it would be dark very soon. Mrs. Timbrell then stated that she would go home with me and we would try to find Peggy.

We then responded to the Timbrell residence on Eleanor Street and after going into the house Mrs. Timbrell spoke to her other children. She then turned to me and stated that she would get the child. We left the house and went across the road to a neighbours house where we found the little girl hiding behind a chesterfield.

I then brought Mrs. Timbrell and Peggy back to the Police station. At this time, I brought Wayne who had been in the kitchen, his mother, and the little girl into the Traffic Office. I then informed Wayne that I was not going to prefer charges against him and that he was free to go home. I instructed Cadet Schmalz who was on duty at the time to drive Wayne home in the police cruiser.

Peggy was then turned over to Mr. Donnachie and Miss Benedict (Chief's Secretary) who then took her to Kitchener.

Mrs. Timbrell remained in the traffic office until Mr. William Woods, Justice of the Peace, arrived to remand her. She was never placed back in the cells. Between 5.00 and 5.30 p.m. she was released on her own recognizance and returned home in a taxi.

October 5th, 1967.

Sgd. Arthur J. Woods
Chief of Police

FORM 1

INFORMATION TO OBTAIN A SEARCH WARRANT

Canada)
 Province of Ontario)
 County of Waterloo)

This is the information of John W. Donnachie in the said County of Waterloo asst. director CAS, hereinafter called the informant, taken before me.

The informant says that two wards of the Crown are being unlawfully held, and that he has reasonable grounds for believing that the said wards are in the dwelling of Arthur Timbrell of 1431 Eleanor Avenue in the Town of Preston.

Wherefore the informant prays that a search warrant may be granted to search the said premises (1431 Eleanor Avenue) for the said wards.

Sworn before me

this 27th day of
 September A.D. 1967
 at Preston, Ontario.

Signature of Informant

.....
 A Justice of Peace in and for
 The County of Waterloo.

(Sections 442, 444 and 707 - Form 7)

WARRANT
TO ARREST A PERSON
CHARGED WITH AN OFFENCE

Canada,)
Province of Ontario,)
County of Waterloo.)

To the Peace Officers in the said County of Waterloo:

Whereas Mrs. Arthur Timbrell
of Eleanor Street,
Preston, Ontario.

hereinafter called the accused, has been charged that

on or about the 28th day of September,
at the Town of Preston,
in the County of Waterloo,
with intent to deprive the Children's Aid Society
for the County of Waterloo, the guardians of Valerie
and Peggy, both under the age of 14 years, of possession
of the said Valerie and Peggy, unlawfully detained them,
contrary to Sec. 236 (1)(a) of the Criminal Code;

This is, therefore, to command you in Her Majesty's name forthwith
to arrest the accused and to bring him before me or any
justice for the said County of Waterloo, to answer to the said
charge and to be dealt with according to law.

Dated this 28th day of September A.D. 1967 at Kitchener.

A Justice of the Peace in and for the
County of Waterloo.

(Sections 429(2), 447 and 713 - Form 25)

ENDORSEMENT OF WARRANT

Canada,)
Province of Ontario,)
County of Waterloo.)

Pursuant to application this day made to me, I hereby
authorize the execution of this warrant within the said

Dated this day of A.D. 196 at Kitchener.

A Justice of the Peace in and for
the County of Waterloo.

Executed September 28th, 1967 at 3.00 p.m.
by Sergeant Hallman, Constable Little
and Arthur J. Woods, Chief of Police

FORM 5

(Section 429)

WARRANT TO SEARCH

Canada)
Province of Ontario,)
County of Waterloo.)

To John W. DONNACHIE and RUTH CONLEY and
Peter McGHEE

Whereas it appears on the oath of John W. Donnachie of the
Children's Aid Society for the County of Waterloo
that there are reasonable grounds for believing that:
two Crown wards are being unlawfully harboured
at 1431 Eleanor Avenue, Preston, hereinafter called the
premises;

This is, therefore, to authorize and require you between the
hours of 11 a.m. and 6 p.m. to enter into the said premises
and to search for the said wards and to remove them in
accordance with the requirements of Section 21, sub. (1)(2)
of the Child Welfare Act of Ontario 1965.

Dated this 28th day of September, A.D. 1967 at Preston.

Sgd. William Woods

A Justice of the Peace in and for
the County of Waterloo.

APPENDIX 7

Kitchener, September 25, 1967.

REGISTERED & SPECIAL DELIVERY

Mrs. and Mrs. Arthur Timbrell,
1431 Eleanor,
Preston, Ontario,

Dear Mr. and Mrs. Timbrell;

This is to advise you that your application to adopt the foster children, Valerie and Peggy, has not been accepted. The Child Welfare Branch of the Ontario Government is aware of this decision.

As foster parents we request you to bring the children and their belongings to our Kitchener office on Thursday morning, September 28 at 10.00 a.m. Further plans have now been made for the children.

You should be aware that this request is being made under the provisions of the Child Welfare Act.

Yours very truly,

W.A. Hunsberger,
Local Director.

CHILDREN'S AID SOCIETY
APPLICATION FOR A CHILD

Date August 18, 1966

Husband's full name Timbrell, Arthur Age 43 Present
Occupation construction worker \$3.50 per hour
Wife's maiden name Fleming, Dorothy Age 42 Previous
Occupation practical nurse in army
Pres. address: No: 1431 Eleanor Ave. Preston Telephone 653-4637
Former address Kingston, Ontario

Children at home:	Names	Ages	Occupations
(Works in Quebec, lives with aunt)	Rodney	21 - 1945	
	Wayne	20 1946	Esso Imperial Preston
	Margaret	19 1947	Imperial Bank, Preston
on farm for summer - Garth	child Timothy 8 mos.	17 1949	grade XI
wants to join RCMP			

Children away from home:	Names	Ages	Occupations
	Daryl	15 1951	grade X working Savage Shoes for summer
	Eileen	12 1954	grade VII

Others in household: relatives, boarders, roomers and hird help.
and occupation.

	Names, relationship
Jarice	10 1956 grade IV
Joy	6½ 1960 grade I
Tammy	3½ 1963

Religion were Baptist - not active Name of Church Children attend
Coronation Memorial Church

Name of Clergyman Rev. R. Jutzi Address 944 Concession, Preston

Name of your doctor Dr. A. D. C. McLagan 554 King St. E. Preston

Have you ever before applied to any agency for children? no
If so where? -

How far is it to Public School? 2 blocks High School 2 miles
Church 1 block

State sex and age of child desired 2 children preschool

Please give names and addresses of three persons, other than doctor or
minister mentioned above, who have known you intimately at least three
years; also the name of a relative.

Mr. & Mrs. W. Kilpatrick, 150 East Moira St. Belleville

Mr. & Mrs. Gerald Steinman, 566 Grimm's Drive, Preston

Mr. & Mrs. Clarence Buchanan, 1440 Eleanor St., Preston

Mr. & Mrs. Allan Reuten, 538 Duke St. Preston

APPENDIX 9

FAMILY NAME	Timbrell
HUSBAND	Arthur
DATE & PLACE OF BIRTH	March 1, 1923, Petworth, Ontario
WIFE	Dorothy Fleming
DATE & PLACE OF BIRTH	December 18, 1923, Ivanhoe, Ontario
RELIGION	Baptist - not active
MARRIAGE	November 27, 1943, Kingston
NATURAL CHILDREN	Rodney b. 1945 Wayne b. 1946 Margaret b. 1947 Garth b. 1949 Daryl b. 1951 Eileen b. 1954 Janice b. 1956 Joy b. 1960 Tammy b. 1963
LANGUAGE	English
CHILD DESIRED	Two preschool children
APPLICATION DATE & DATES OF CONTACT	
August 18, 1966	Mrs. Timbrell had phoned for an appointment concerning foster care and was visited on August 18th, 1966. Foster care responsibility under the guidance of the agency was discussed. The use of the credit card was explained as well as medical and dental care.
September 29, 1966	Mr. & Mrs. Timbrell were visited at their home. Further discussion and explanation concerning foster care took place. Mr. Timbrell asked few questions, but seemed interested in the conversation. They appeared to understand that they would share the responsibility of foster children with the agency. We also discussed the fact that foster children are temporary and how important it is to give the child care and affection and then be able to part with him when a more permanent plan is made. Information for the parents' social history was taken.

EDUCATION, SPECIAL TRAINING & INTELLIGENCE

Mr. Timbrell stopped school after grade VI. Later while with the army he said he worked for his grade X. He appears to be of average intelligence and ability.

Mrs. Timbrell completed grade XII and took nursing training for twenty-three months. She appears to be quite alert, seems quite intelligent and expresses herself well.

EMPLOYMENT HISTORY & PRESENT EMPLOYER

Arthur Timbrell said that he was in the army for four and one half years. For $3\frac{1}{2}$ years of this time he was overseas. He was a private in the Saskatoon Light Infantry and was in a machine gun squad - a suicide unit. During this time he was in a motor cycle crash which left him with fifty per cent vision. At the present time he works at the Central Hotel, Preston.

Mrs. Timbrell, after training as a nurse for 23 months, went directly to the army dental corps. She was never overseas.

In her own home, she seems to be a well organized housekeeper.

FINANCES

The couple gave their income as about \$500 per month. This amount includes the husband's earnings plus his disability pension.

Two of the children, Wayne and Margaret, are working and live at home. Wayne pays \$15 board per week and Margaret pays \$20. The family own a car. They say they manage financially but have little for extras.

INTERESTS & HOBBIES

Mr. Timbrell has done a good deal of finishing on the house particularly down stairs. There are two well finished bedrooms and a recreation room on that floor. His wife seems to enjoy knitting, sewing for her daughters and her homemaking. As a couple they say they like being at home with their family, playing cards

with the neighbours and motor trips with their children. One particular interest is in a young people's political club and they seem to be very active in working with this group.

PHYSICAL APPEARANCE & CHARACTERISTICS

In appearance, Mr. Timbrell is a very slim man. He has iron grey hair, a small moustache and ruddy complexion. He seems quite friendly, though he seldom looked directly at the worker. It was felt that this was probably due to his partial blindness. He seemed pleased that his wife wished to care for foster children.

Mrs. Timbrell is a rather pretty woman. She is dark, of medium height and slightly plump. She appeared neat and well groomed. She seemed affectionate toward her children, but at the same time was firm in her discipline with those of her family who were at home during the worker's visit.

MOTIVATION

When Mrs. Timbrell called she said that they have extra room and she has extra time to care for foster children. Later during the worker's visit she said that though she has nine children, one son is working away from home, and the others are either working or at school, except the youngest child Tammy who is three. She said that she enjoyed young children and would like to have two preschool foster children to care for.

HEALTH

Dr. A.D. McLagan recommends the family's health as well as stating in his reference that "they have given their own children a satisfactory home." The Timbrells say that they have few illnesses in their large family and cannot remember any serious health problems.

PERSONALITY

Mr. Timbrell appears to be a somewhat dependent type of person and it is difficult to imagine him being active in a suicide unit of a machine gun squad. He seemed to have little to say in the discipline of his children during the worker's visit. He looks much older than his wife and appears to be more reserved.

PERSONALITY
(Cont'd)

Mrs. Timbrell seemed quite dominant in the home but appeared accepting, well-organized and showed affection toward her family. She displayed patience and understanding toward her children and they seemed free to enjoy their home and friends.

FAMILY HISTORY & RELATIONSHIPS

Husband: His parents separated when he was two years old and his grandfather cared for him. He had some contact with his father but had no close relationship with his mother. She still lives in Kingston. He said that his wife's mother had been more like a mother to him than his own. While overseas Arthur Timbrell met a younger brother of his father's. They had not known each other before and remained close friends after returning to Canada. This close relative and friend died three weeks ago of a heart attack at the age of 51. He had owned and operated a restaurant on No. 7 highway. Mr. Timbrell seemed to have had a close relationship to this man.

Siblings: There are two brothers and one sister. Audrey Neil, aged 37, is married and lives in Kingston. She and her husband have two children. Her husband is a plumber at Terylene Co. Kingston. Mostyn, age 38, is married and there are three children. He is a transport driver in Montreal. Walter, aged 42, is a foreman for Silverwoods, Toronto. He and his wife have seven children.

The Timbrell siblings were brought up by their grandfather from an early age. He was a farmer and lived near Kingston. He spent his last years with the Timbrells. The Arthur Timbrells say that as a family there is a close relationship and there are frequent visits back and forth.

Wife: Her father lives at Stocoe, Ontario near Tweed. He is on maintenance for a hotel and golf course in that area. Her mother died two years ago. Mrs. Timbrell says that her

father is a "burnt out pensioner from the First World War and receives a pension of one hundred dollars per month. He was a farmer, but retired some years ago. He is allowed to earn only so much or he loses part of his pension.

Siblings: There is one sister and one brother. Mrs. Timbrell says that they are all very fond of each other.

Aileen, age 38, is a divorcee, has no children and works at a Montreal Night Club where she is hostess. Edward, age 37, was married three years ago. He and his wife have one child. He drives an oil truck in the Winter and is a painter in the Summer. He lives at Ivanhoe and the couple have a very large garden from which they sell a good deal of the produce.

COURTING & MARITAL RELATIONSHIP

The couple were married in Kingston after a short wartime courtship of three or four months. They met at a dental corps. social evening and enjoyed each other's company so much that they were married the following Fall. Mr. Timbrell says that his wife runs the household, does a good job of it and "what she says goes". Though this seems to be a one sided relationship, it is attributed to Mr. Timbrell being a war victim. He says he usually backs her up in any decisions which have to do with the home and family. Mr. Timbrell's grandfather lived with the couple for two years before his death. Mrs. Timbrell said that he was a dear man and they loved him very much. The couple appear to have a good relationship with each other and with their family.

ATTITUDE

The applicants appear flexible and accepting with children and young people. They mention their interest in a Young Peoples Political group. They seem to feel that participation in such a group is good for youth and gives them an interest in their government and country.

The oldest Timbrell girl has a child out of wedlock. Mrs. Timbrell said that they felt it best to have her come home and they would help her to care for the child. However, they believe in her shouldering responsibility. Part of her boarding rate paid at home is for the child and she is supposed to take over most of the child's care after work hours.

FAMILY

Rodney, age 21, works in Quebec, and lives with an Aunt. His mother said that they had had a little trouble with him, but that he seemed to be settling down and liked his work. Wayne, age 20, lives with his parents and works at an Esso Imperial Station, Preston. Margaret, age 19, did not move to Preston with the family. Her mother blamed loneliness for her problem. Her parents brought her home, accepted her child into the family and she works at the Imperial Bank, Preston. This job seeks to indicate some reliability on Margaret's part. Garth, is 17, and in Grade XI. He is on a farm for the Summer and his mother says he hopes to be accepted into the RCMP force when he is old enough. Daryl, age 15, has been working at Savage Shoe for the Summer. He is in Grade X. Eileen, age 12, is in Grade VII, Janice, age 10, is in Grade IV, Joy, age 6½ is in Grade I, and Tammy is 3½

Their mother said the children have had a happy Summer and have been very active swimming, having picnics and short trips to the country.

HOME

The home is a brick ranch house. There are four bedrooms upstairs and two downstairs. The bedrooms downstairs are adequately finished and furnished. On the main floor there is a living room, kitchen, dining room and recreation room. The house is valued at \$22,500 and the mortgage payments are \$119 per month. The housekeeping is excellent and the home appears comfortable. There is good equipment and the furnishings are bright and cheerful.

REFERENCES

The references attested to the high regard in which the Timbrells and their family are held by their neighbours and friends. One states "I have never seen a family or home with so much love and affection and togetherness."

The family physician, Dr. A.D. McLagan recommends the health of the family and states "they have given their own children a satisfactory home."

CONCLUSION

The couple would appear to offer good foster care for preschool children. They act patient and accepting with their own family and they are well recommended as parents by their neighbours. There appears to be enough room and Mrs. Timbrell says that she can make any changes necessary for extra children in the matter of adequate sleeping arrangements. The physical aspects of the home appear to be good and the household seems well organized.

The Children's Aid Society of County of Waterloo

Prepared by C. Binnie

Since Peggy has settled into her foster home, she has gained more confidence although she is still a little insecure. Peggy craves a great deal of attention and with younger children in a family, she becomes envious of the attentions given to them. She is a very pleasant little girl and with the proper balance of discipline and attention as the youngest child, would become more secure and sure of herself.

DEPARTMENT OF PUBLIC WELFARE
Adoption Resource Exchange
Child Welfare Branch
CHILD FOR ADOPTION

The Children's Aid Society of County of Waterloo

NAME IN FULL Valerie Ann SEX F RELIGION R.C.

DATE OF BIRTH January 15 1964 LANGUAGE English

RACIAL ORIGIN Caucasoid
Scottish-German

SCHOOL GRADE NA LEGAL STATUS (PW or NW) Crown Ward

PHYSIQUE Average build EYE COLOUR Brown HAIR COLOUR Blonde

COMPLEXION Medium FACIAL FEATURES Round face, regular features

DATE AND RESULT OF LAST MEDICAL EXAMINATION February 9 1967,
healthy, weight 31½ lbs., height 36¼"

MENTAL HEALTH REPORT OR GENERAL ESTIMATE WITH REASONS Seems to be a
normal, responsive child. She has a good memory and follows
instructions thoroughly

CHILD HIGH STRUNG, PLACID ETC. Easy-going, happy

WHY REFERRAL TO ADOPTION CLEARANCE SERVICE? No homes available
in area

MATERNAL BACKGROUND DATA - MOTHER'S NAME Delores

PHYSICAL, INTELLECTUAL, EMOTIONAL -

PATERNAL BACKGROUND DATA - FATHER'S NAME Kenneth

PHYSICAL, INTELLECTUAL, EMOTIONAL Well built, mannered, quiet,
average intelligence

TYPE OF HOME DESIRED Valerie would adjust quiet well in a home
where there are other children either older or younger.

ADDITIONAL COMMENTS OR SUGGESTIONS can be placed with her sister,
Peggy, or separately.

Prepared by C. Binnie

Valerie seems to be a very happy, fairly well adjusted child who
is quite affectionate and forms attachments quickly after a brief
period of shyness. She is very easy to get along with and
chatters along in a happy manner.

DEPARTMENT OF
SOCIAL AND FAMILY SERVICES

Child Welfare Branch,
Parliament Buildings,
Toronto 5, Ontario.

October 6th, 1967.

Mr. W.A. Hunsberger, Local Director,
Children's Aid Society,
355 Charles Street East,
Kitchener, Ontario.

Dear Mr. Hunsberger: RE: Mr. & Mrs. Arthur Timbrell,
 1431 Eleanor Avenue,
 Preston, Ontario.
 File: Corr.#9446

Enclosed is the Application for a Child for Adoption signed
by Arthur and Dorothy Timbrell.

Yours sincerely,

(Miss) Betty Graham,
Director of Child Welfare.

THE CHILDREN'S AID SOCIETY FOR THE COUNTY OF WATERLOO

APPLICATION FOR A CHILD FOR ADOPTION

The Children's Aid Society for the County of Waterloo places a child for adoption with the purpose of providing a permanent home for him, where he will grow up and be a member of the family, receiving understanding care, religious training and educational opportunities. After the placement of a child, a period of time must elapse before adoption can be completed. This term, known generally as "adoption probation" is a 6 month period during which time Society and adopting parents are in communication with each other respective to the welfare of the child in his new home. During this period of time, the adopting family may not give the child into the care of another person without the consent of the Society, and notification of change of address must be given promptly to the Society. Adopting parents are responsible for providing food, clothing, medicine, medical treatment and for any other expense whatsoever incurred by them on behalf of the child.

The legal status of the child placed for adoption may vary. In some cases, the Society is the legal guardian of the child until completion of adoption. In other cases, the Society acts as intermediary between the child's natural parents and the adopting parents. In both situations, the Children's Aid Society, accepts responsibility for the placement and will take charge of the child if prospective parents decide to return the child to the agency within the probationary period.

The Society reserves the right to remove the child previous to legal adoption, if the circumstances in the home are found to be, in its judgment, injurious to the physical, mental, moral or social

welfare of the child. If the Society is satisfied as to the suitability of the home for the child, adoption is recommended in due course. An Ontario Adoption Order when issued by a Judge gives to the adopting parents and to the child, all the rights, privileges and obligations in respect to the future custody, maintenance and education of the adopted child. The Order also grants rights to appoint a guardian, to consent or give notice of dissent to marriage, and all other rights which exist between parents and their own children.

We, Arthur and Dorothy Timbrell

of the Town of Preston

Street No. 1431 Eleanor St. County of Waterloo

in the Province of Ontario having read carefully the statement above and make application to receive a child into our care through the said Society in accordance with the terms thereof, to which we hereby agree.

.....
Signature of husband

Witnessed this 21st day of

.....
Signature of wife

August, 1967

(Mary Mathesen)
.....

STREET AND NUMBER 1431 Eleanor St. Preston TELEPHONE 653-4637

TOWNSHIP

COUNTY Waterloo

DIRECTIONS FOR REACHING HOME Coming from 401 Hwy. proceed down King St. past 5th traffic light - turn left on Bishop - up Bishop turning right on Eleanor

HUSBAND Arthur Rodney Timbrell

DATE AND PLACE OF BIRTH Petworth, Ont. March 1923

RELIGION Baptist RACIAL ORIGIN Anglo-Saxon (Can.)

OCCUPATION Construction Worker NAME OF EMPLOYER Robertson-Yates

AVERAGE YEARLY SALARY \$5,200 OTHER INCOME, IF ANY \$209 pension (army) per month

AMOUNT OF INSURANCE CARRIED BY HUSBAND \$13,000

WIFE Dorothy Pearl Fleming

DATE AND PLACE OF BIRTH Ivanhoe, Ont. December 18, 1923

RELIGION United Church RACIAL ORIGIN Scottish (Can.)

OCCUPATION BEFORE MARRIAGE Dental Nurse in army

IF NOW EMPLOYED, PLACE AND EMPLOYER

DATE AND PLACE OF MARRIAGE Kingston, Nov. 27, 1943

WAS EITHER HUSBAND OR WIFE MARRIED PREVIOUSLY? No

NAMES OF ALL OTHER MEMBERS OF HOUSEHOLD:

NAME	AGE	RELATIONSHIP	SCHOOL GRADE OR OCCUPATION
RODNEY	22	son	(home in fall) Runs concession in Carnival.
WAYNE	21	son	Garage mechanic
MARGARET	20	daughter	Supt. of ledger-Bank of Commerce
GARTH	18	son	Student-Gr. XI & part-time work
DARRYL	16	daughter	Student-Gr. X & part-time work
EILEEN	13	daughter	Student-Gr. 8
JANE	10 3/4	daughter	Student-Gr. 5
JOY	7 1/2	daughter	Student-Gr. 2
TAMMY	4 1/2	daughter	home
TIMMY	19mos.	grandson	home

AGE OF CHILD DESIRED 3½ and 5 3/4 BOY OR GIRL? Girls - Valerie
and Peggy

EDUCATION EXPECTATIONS FOR CHILD - To their abilities

MOTIVE FOR ADOPTING CHILD To keep these children together, and
because we love these children very much.

HAS APPLICATION BEEN MADE ELSEWHERE FOR A CHILD? No

TYPE OF ACCOMODATION, HOUSE OR APARTMENT? House

IF RENTING, GIVE MONTHLY RENTAL; IF OWN HOME, GIVE PRESENT AMOUNT
OF MORTGAGE \$10,700 \$119 per month

HOW MANY ROOMS IN HOME? 8 rooms and bath and recreation room

WOULD CHILD SLEEP IN BED BY ITSELF? No-Children sleep together

REFERENCES

NAME	POST OFFICE OR STREET ADDRESS	COUNTY OR CITY	TELEPHONE NUMBER
Rev. D. Ewald	554 Grimm's Dr.	Preston	653-5984
Mr. & Mrs. W. Kilpatrick	150 East Moira St.	Belleville	
Mr. & Mrs. C. Buchanan	1440 Eleanore St.	Preston	653-6983
Mr. & Mrs. M. Pearson	342 Sydenham St.	Kingston	
Mr. & Mrs. P. Morin	1445 Eleanore St.	Preston	653-6697
Dr. A. D. C. McLagen	554 King St. E.	Preston	653-6254

Employer - Robertson-Yates - Guelph University, Guelph, Ontario.

ONTARIO GOVERNMENT PRESS RELEASE

Issued by The Honourable John Yaremko, Q.C.

August 11th, 1967.

In a comment about two sisters aged three and five who were, according to press reports, to be separately adopted through the Waterloo County Children's Aid Society, the Honourable John Yaremko, Minister of Social and Family Services, made the following statement:

"I have requested that a senior official of the Child Welfare Branch proceed immediately to Kitchener and I am awaiting the report.

I believe when it is necessary to have children adopted, that where brothers and sisters are involved, that it is normally in their best interest that they should be kept together, and this is generally the practice carried out by the Children's Aid Societies throughout the province. Family ties should be respected and maintained wherever possible.

The Province at this time provides an adoption exchange service for all fifty-three Children's Aid Societies, so that if a suitable home is not currently available in the immediate locality, every child will have the opportunity of being placed in a favourable home. This adoption exchange allows a province-wide selection of adoption homes.

On the basis of the present press reports, I would be adverse to a plan that would separate these two children.

Our experience in multiple placements has been good and I am hopeful that a happy solution will be found in the interest of these children.

Dr. James S. Band,
Deputy Minister,
Department of Social and Family Services,
Rm. 3311, Whitney Block.

Miss Vernonica Franck,
Asst. Director of Child Welfare,
Department of Social and
Family Services,
Rm. 3408, Whitney Block.

August 18, 1967.

As requested I visited the Kitchener Children's Aid Society, Friday, August 11, following press reports relative to the proposed separation of the sisters.

Mr. Hunsberger, local Director, was very upset by the unfavourable publicity the society was receiving and feels he is not receiving support from the Department or the Catholic Church in this case.

I read the family file and the files of the two children in question and obtained the following information.

This family, consisting of five children first came to the attention of the Children's Aid Society in January 1966 when the father went to the office asking help in placing the four oldest children. The mother had left the home taking the baby with her. The children are:

Bryan	-	born 1958 (now in foster home)
Darlene	-	born 1960 (now in adoption probation home)
Peggy	-	born 1961
Valerie	-	born 1964

Before plans to admit the children were made the paternal grandparents were contacted and agreed to take the children. The mother refused to return to the home.

August 2, 1966

Mr. was again in the office requesting help with finding a private boarding home. The grandparents were unable to carry on financially and the grandmother had to work.

August 12, 1966

The grandmother reported to the Society that the children had been placed by their father with a family in Ayr, Ontario.

January 25, 1967.

Mr. was again in the Kitchener office. The foster parents in Ayr refused to keep the children any longer. The father was unemployed, in arrears with Board payments and the children were badly in need of clothing.

The Galt office was advised to admit the children to care immediately. This was an emergency placement and the Society had no Catholic home available, the two younger children were placed temporarily with Mrs. Timbrell in Preston. This was a newly approved boarding home and had not had children from the Society before.

February 14, 1967

The case was brought before the court and temporary wardship order was made for three months to give the Society an opportunity to work with the father and to try to locate the mother.

The father was ordered to pay \$1.00 a day maintenance.

April 4, 1967

Temporary order was extended for a further period of three months. All efforts to locate the mother had failed and the father was not in a position to care for the children. He was over \$300 in arrears and a further order for maintenance was not made.

June 13, 1967

The case was again before the court. The mother's whereabouts were still not known. The father was unable to make any provision for the children and concurred that it would be in the best interest of the children that they be made Crown wards.

Order for maintenance to continue subject to review in sixty days.

During the period of temporary wardship Valerie and Peggy made a good adjustment in their foster home and for this reason they were allowed to remain until a definite decision was made regarding their future status. When it appeared that there was no alternative to Crown Wardship the Society started to plan adoption placement. A real effort was made to locate a Catholic home willing to accept the sisters together. The children were discussed at a regional adoption resource exchange group meeting without result.

When Catholic homes were available locally, willing to take one child each, the Society decided that it would be better for the children to be placed separately in homes that would be permanent rather than to keep them in foster care indefinitely on the chance that a home could be found for them together.

Unfortunately there was a change of worker during the time the children were with Mrs. Timbrell and it is not known to what extent she was included in this planning. When the new worker did advise her that one of the children was to be taken to visit prospective adoption applicants this was apparently the first intimation she had that the girls were to be separated and refused to allow the child to go.

Further attempts to remove the children met with refusal on the part of Mrs. Timbrell, who had the press and photographers at her home prior to the worker's expected arrival.

Conclusions

There are a number of factors leading to this situation -

1. The Kitchener Society is under heavy pressure. The population has increased by 40,000 over the past five years which has meant an increase in all departments of work. The first six months of 1967 compared with the first six months of 1966 shows -

Protection up 42.1%
Child care up 24.2%
Unmarried parents up 57.2%

2. The Kitchener Society, in spite of good personnel policies and salary scales, still has to rely as do other societies on young, inexperienced and untrained workers. The staff has been increased by 3 social workers during the past year but replacements and additional staff have been made with less qualified workers. Of 29 social workers only 3 have formal training and there are not enough supervisors to give the individual help such inexperienced staff need.

3. More emphasis on protection and preventive service during the early contacts in many cases such as this could result in keeping more children in their own family group.

An experienced trained worker would, no doubt, have tried to work more closely with the mother in the case in 1966 when her whereabouts were known or have investigated the possibility of obtaining financial assistance for the grandparents if lack of income was the only reason for their not keeping the children.

4. The need to change workers supervising the foster home at a critical time was probably a contributing factor. An experienced staff member left the agency because of pregnancy and was replaced by a young, inexperienced worker.

5. The Board of the Kitchener Society is composed of competent, conscientious men and women representing the professions, business and various religious denominations. This has always been a board which took its responsibility seriously and members have put in many hours carefully considering policy and policy changes.

The present policy of the Society is to place children for adoption in the home of another religion, only after failure to find a home of the same religion. This policy is based on a statement prepared by Fr. McCabe, Director of Catholic Charities, endorsed by the diocese of London, and maintained by most of the Societies in that area.

The Society has adopted a policy of placing children of the same family together when this is possible. Homes willing to take two or more children are more difficult to get and the Society has to weigh the advantages and disadvantages of depriving young children of early placement, or risking their becoming too attached to their foster parents, or facing the possibility of experiencing several moves.

This is a decision that must be made by all societies from time to time and in the interest of the individual child a number of children are placed separately every year.

Present Situation

Letters and telephone calls are being received from couples in various parts of the Province expressing interest in adopting these little girls. A number of these enquiries can be eliminated as obviously unsuitable. All, however, are being processed through the adoption resource exchange. Satisfactory homes will be referred to the Kitchener Society.

Mrs. Timbrell made formal application to adopt the children on August 15. A satisfactory interview was held in Mr. Hunsberger's office during which a better understanding between Mrs. Timbrell and the Society was reached. A tape recording was made of the interview with Mrs. Timbrell's knowledge and consent.

It was agreed that a supervisor from the Child Welfare Branch would make the home study in order to avoid any feeling on the part of the Timbrells that the study might be prejudiced. Their application will be given the same consideration as other homes.

Mr. Hunsberger has assigned a part-time worker with specialized knowledge of child behaviour to work with the children in the foster home and to prepare them for any change that may be made.

Sgd. Veronica Franck

APPENDIX 15

HOME STUDY PREPARED BY LAURIE CHARLESON, CHILD
WELFARE BRANCH, AUGUST 24TH AND AUGUST 29TH 1967

RE: Mr. and Mrs. Arthur Timbrell,
1431 Eleanor Street,
Preston, Ontario.

HUSBAND'S NAME: Arthur BORN: March 1, 1923
in Petworth, Ont.

WIFE'S NAME: Dorothy Pearl BORN: Dec. 18, 1923
(nee Fleming) in Ivanhoe, Ont.

ADDRESS: 1431 Eleanor Street
Preston, County of Waterloo

TELEPHONE: 653-4637

RELIGION: Husband - Baptist
Wife - United Church

MARRIED: November 27, 1943 in Kingston, Ontario.
(Marriage licence not seen or verified,
as this would have been done during
foster home study.)

LANGUAGE: English

APPLICATION DATE AND DATE OF CONTACTS DURING HOMESTUDY:

APPLIED: August 21st, 1967

CONTACTS: Mrs. Timbrell seen Thursday, August 24, 1967
Mr. Timbrell seen Tuesday, August 29, 1967

CHILD DESIRED: Valerie & Peggy
Aged 3½ and 5 3/4 years - sisters

EMPLOYMENT HISTORY AND PRESENT EMPLOYER:

Construction worker for Robertson & Yates

EARNINGS: Husband: \$5,200.00 Wife: Homemaker

FINANCES:

Husband's stated salary	\$5,200.00
War Pension	2,508.00
Rodney pays \$15 per week (for 6 mo.)	390.00
Wayne pays \$15 per week (for 12 mo.)	780.00
Margaret pays \$20 per week (for 12 mo.)	1,040.00
	<u>\$9,918.00</u>

Husband unable to secure insurance due to war disability. Wife carries policy of \$13,000.00

MORTGAGE ON HOME: \$10,700.00
PAYMENTS ON MORTGAGE: \$119.00 per month

PHYSICAL APPEARANCE AND PERSONALITY:

WIFE: Attractive, bright appearing woman. Friendly and out-going in manner. Mrs. Timbrell stated they are quite capable financially of looking after the children and they wish to have them remain and become theirs through adoption

HUSBAND: Is a strong, healthy appearing man and capable of supporting his family.

EDUCATION: Mr. Timbrell completed Grade 10.

SIBLINGS:

RODNEY	22	son	owns concession in carnival (home in Fall)
WAYNE	21	son	Garage mechanic
MARGARET	20	daughter	Supr. of legers, Bk. of Commerce
GARTH	18	son	Student Gr. XI and part-time work
DARRYL	16	daughter	Student Gr. X and part time work
AILEEN	13	daughter	Student Gr. 8
JANE	10 3/4	daughter	Student Gr. 5
JOY	7 1/2	daughter	Student Gr. 2
TAMMY	4 1/2	daughter	at home
TIMMY	19 mo.	grandson	at home

VISIT:Home:

Adoption Consultant visited the Timbrell home regarding their wish to adopt Peggy and Valarie. The children were seen; also several of the Timbrell's children and their grandson. Their home is a ranch style bungalow in a good residential, substantial middle class area. The garden and grounds appeared well kept. The furnishings were adequate. The living space is restricted. The four younger girls sleep in two beds in one room. Mr. and Mrs. Timbrell have separate rooms. The oldest daughter and her nineteen months old son share the fourth bedroom on the ground floor. The other children sleep in the basement, which also contains a playroom and laundry.

Timbrell Children:

The eldest Timbrell son has been in trouble, having spent time in training school and a year in Burwash for breaking and entering. He has had no offences for the past three years. For the last three years, he has been employed as a carnival worker, having a game of chance concession with a travelling carnival. His mother stated he appears happy in this work, has settled down and is engaged to be married. He leaves home in April and returns in November, and each year has been successful in securing Winter work.

Margaret, the oldest daughter, wished to remain in Kingston when the family moved to Preston. During this period she became an unmarried mother and her child is being cared for by the Timbrells. This child is totally accepted and loved by all members of the family; the children appearing to vie for his attention.

Darryl, aged 16, is a mature appearing girl who disappeared from the scene quickly when worker was visiting.

Garth visited while worker was there. He is a big, strapping boy, friendly and out-going and clearly intimated his desire to have the two sisters remain in their home.

The other children were all at home and milled around all afternoon, chatting with worker. Their manners were good and the attitude between the mother and children, pleasant and natural. The children were friendly and talkative, but not bold.

Mrs. Timbrell is adamant about her desire to keep the children. She is very emotional with a rapid change of mood. When talking of the children, her eyes would fill with tears at the thought of them parting. She appeared convinced that the Children's Aid Society would allow the children to remain, though she did not actually state this.

Visit to Mr. Timbrell:

Worker met with Mr. Timbrell at his place of employment and talked with him regarding the future of Peggy and Valerie. He is most anxious to have the children remain with them, but stated that he and his wife had discussed this matter and if a loving home could be found for the children where there is like religion and lots of money, he would be willing to release the children if he thought their future would be totally secure. He was not at all worried about the financing in the home as he has supported nine children. Now the three oldest are self-supporting and the next two earn sufficient for all their clothing and recreational needs so that his financial burden has lessened as the children have been growing up. Adoption of the two girls had been discussed by all family members and immediately the six older had stated they would pay a little more to help support the two new members. He stated this offer was spontaneous and not suggested by he and his wife. Mr. Timbrell states his wife is an excellent manager, making all of the children's clothes and handling the money efficiently.

Mr. Timbrell comes from a broken home, his mother and father having separated when he was a child. He was brought up by his grandparents and started to work when he was twelve years old. He completed Grade 10 by night classes after he was an adult. Mr. Timbrell is a friendly man with a kindly manner and

appeared to wish the best for Valerie and Peggy and has not the tremendous urge and desire to keep the children that was apparent with his wife. He is a slow, quiet speaking man and appears to get satisfaction out of his work and his family.

HOME STRENGTHS:

1. The two children will receive love and be real members of the Timbrell family unit.
2. Accepted by all members of the household.
3. The children appear happy and acted as though they had always lived with the Timbrells.
4. Are totally accepted for themselves regardless of background or ability.
5. The financial situation can be handled.

DIFFICULTIES:

1. Difference in religion.
2. The two older children have already been in difficulty and it is wondered if the family pattern may be that each child, as he or she reaches maturity, may resent authority and be in conflict with society.
3. Finances will be difficult but not impossible.
4. It is presumed that the grandparents and father may know the whereabouts of the children as a result of the recent publicity.

THE CHILDREN'S AID SOCIETY
for the County of Waterloo.

Kitchener, August 31, 1967.

Miss Betty Graham,
Director of Child Welfare,
Department of Social and
Family Services,
Parliament Buildings,
Toronto, Ontario.

Dear Miss Graham:

We are enclosing herewith two copies of a Resolution passed at a special meeting of the Board of Directors held at the Society's offices on August 30, 1967.

It is assumed that this Resolution will be brought to the attention of the Honourable Minister of Social and Family Services and that we will be kept informed of the Department's intentions.

Yours very truly,

W.F. Husson, President,
Board of Directors.

Copy of a Resolution passed by the Board of Directors of the Children's Aid Society for the County of Waterloo at a Special meeting held at the Society's offices, 355 Charles St. E., Kitchener on Wednesday, August 30, 1967.

"On motion regularly made, seconded and unanimously carried it was resolved as follows:

- (1) It is considered that the Society's procedure in connection with the two children has at all times been strictly in accordance with Child Welfare policy as established by the Department or as followed in the past by the Society with approval of the Department.
- (2) That in this case, as in most others, a Society on the local level has more adequate facilities than the Department to satisfactorily and promptly resolve the plight of the two children involved, provided the Society be given the support of the Department.
- (3) That the press release by the Minister on August 11, 1967 inevitably had the effect of assuming responsibility by the Department of Government for the resolution of this problem.
- (4) That the Society has thereby been disabled from taking effective action and that such disability can only be overcome by the purging of the incalculable damage that has been done to the Society's position in this community.
- (5) That such purging can be properly and effectively accomplished only by a statement from the Minister incorporating the following features:

- (a) Public recognition that the Society has at all times proceeded in accordance with Department policy;
- (b) An expression of confidence in the desire and ability of the Society to satisfactorily resolve the problem;
- (c) A reference of the situation back to the Society for necessary action."

APPENDIX 17

Miss Betty C. Graham,
Director of Child Welfare,
Room 3408,
Whitney Block.

Edward Magder,
Supervisor of Field Services,
Edith M. Forsyth,
Child Welfare Supervisor.

August 31st, 1967.

A special meeting of the Board of the Waterloo Children's Aid Society was held last night, August 30th, 1967, to consider what has now come to be called the Timbrell case.

A chronological summary was presented to the meeting by the Local Director. Considerable emphasis was placed upon the public attack aimed at the Local Director and this was supplemented by the report of public embarrassment suffered by certain Board members.

The Board felt most particularly upset by the press release of the Minister of Social and Family Services, which they thought showed a lack of confidence in the Society, based on inadequate information. Furthermore, they felt that the public uncertainty created by this statement had made it impossible for them to take any further action in this case. They wished to have some press statement confirming the Minister's confidence in their administration before proceeding further.

Mr. E. Magder, supervisor of field services, and Miss E. Forsyth, field supervisor for Waterloo County, attended the meeting. They also met separately with staff members involved in the case and were satisfied that planning for the two wards was being carried out with professional care and understanding.

Our assessment of the Board's attitude toward the Department in this case suggests some obvious dangers. The Board expresses very strong views against the Minister's news release because it was not based on information provided by the agency, and appeared to them to make untenable the position of the Waterloo Children's Aid Society as agents for the Minister, responsible for local administration of The Child Welfare Act. The Board passed a resolution to this effect which will be forwarded immediately to the Minister.

The Board believes that only an expression of confidence in the Waterloo Children's Aid Society by the Minister or the Department, could make it possible to carry on in this case. If the situation is not resolved, we feel it could result in considerable damage to our relationship with all Children's Aid Societies, and jeopardize the future of these two children.

Edward Magder,
Supervisor of Field Services.

Edith M. Forsyth,
Child Welfare Supervisor.

DEPARTMENT OF SOCIAL & FAMILY SERVICES

Child Welfare Branch,
Parliament Buildings,
Toronto 5, Ontario.

September 25th, 1967.

Mr. W.F. Husson,
President,
Children's Aid Society of
the County of Waterloo,
355 Charles Street East,
Kitchener, Ontario.

Dear Mr. Husson:

In reply to your letter enclosing copies of the Board's Resolution of August 30th, I have drawn this to the attention of The Honourable The Minister and have had several conversations with him about it.

In the light of further information on the matter we are being made aware of the particular needs of these girls, the variety of homes available for them and the heavy responsibility that devolves on any society as it endeavours to plan as a good parent would for his own child.

I understand that further study is proceeding as to all the adopting families that might best meet the needs of these sisters, having in mind the many factors that influence such decisions. I look forward to hearing of the suitable placement of the children in the near future and can assure you of our desire to assist your Society in any way we can.

Yours sincerely,

Betty L. Graham
Director of Child Welfare.

ONTARIO DEPARTMENT OF PUBLIC WELFARE
CHILD WELFARE BRANCH
ADOPTION POLICY GUIDE

The present adoption policies in this Province vary to such a degree that the same application could be acceptable to one Society and unacceptable to another; not due to the applicants inability to be good parents, but to a difference in agency policy.

The public often are confused by the conflict in agency adoption policies and this makes for poor public relations. Due, for example, to agency "age" policy, applicants may be acceptable in a neighbouring Society but not eligible to their local agency. This type of situation quickly becomes public knowledge and is freely discussed in the community. The public then feel they are being penalized by their local agency. If a more uniform adoption policy could be established throughout the Province, this situation would be alleviated.

An adoptable child may have the misfortune to miss becoming a member of a family because applicants may be unable to meet all the requirements in their local agency even though they would qualify in another Children's Aid Society area.

Each Society feels it has a personal identity and their local situation differs from all others. Each community in Ontario has its own local characteristics, however, adoption is now common to all the similar criteria should be accepted by each Society for all adoption parents.

Many requests have been received by the Child Welfare Branch from the Children's Aid Societies for an adoption policy guide to be used when considering adoption applications. The Child Welfare Branch recommends the enclosed policy guide and it is hoped it will be of value to your agency by being implemented in practice.

Adoption Policy Guide Regarding Applications1. Marriage -

The applicants must be legally married in accordance with the laws of Ontario. The marriage certificate must be seen and examined by the agency's representative and the marriage of sufficient length to establish stability.

2. Residence -

The adoptive applicants should reside in Ontario and receive adoption services from the Children's Aid Society in whose jurisdiction they reside. In certain circumstances, applicants may apply to another agency, special arrangements being made with the Children's Aid Societies involved and this to be in writing.

3. Age -

- a. The male applicant to be 21 years or older when the adoption is completed.
- b. The applicants applying for the adoption of an infant should be within the child bearing age and their personal qualifications meet the needs of the child.
- c. It is desirable that applicants for older children should be of an age that the child could have been born to them.

4. Religion -

Subject to the requirements of the Child Welfare Act, neither faith nor race should render an otherwise acceptable couple ineligible. Mixed marriages are acceptable where the religious practice is harmoniously established.

5. References -

References should be requested by the Society. If adverse references are returned, a personal interview with the writer is indicated. The family doctor should be responsible for the medical report, but not for a social reference as this is included on most medical forms. Of the references, one should be from a relative. The agency may wish to secure an added reference from the appropriate clergy, especially in cases of mixed marriages.

6. Health -

Applicants must be in good health as evidenced by a recent physical examination and chest X-ray. Mental and emotional stability and a normal life expectancy should be sought. A physical problem should be evaluated in terms of its possible effect on the child.

Applicants should agree to provide any form of medical care or treatment when recommended by a duly qualified medical practitioner for a child placed with them for adoption.

7. Finance -

Adoptive parents need to give assurance of their ability to provide adequately for the present and future needs of an adopted child or children.

8. Accommodation -

Sufficient space for the adopted child or children.

9. Family Constellation -

(A) Applicants who already have a child or children should be acceptable, when there is no apparent adverse effect for the child or children in the home, or for the child to be placed.

(B) The applicants ability to have natural children should not preclude adoption placement, but the reason for the applicants preference for adoption should be reviewed and carefully considered.

(C) No arbitrary limit should be set on the number of adopted children which may be placed with any one family, having in mind the needs of the particular children and the ability of the family to meet them.

(D) Couples remaining childless for no apparent medical reason, having sought medical advice, should be considered for adoption.

10. Adoption Resource Exchange -

If a local home is not available for the adoption placement of a child or acceptable adopters cannot be serviced by their local Society, the Adoption Resource Exchange's multiple services should be explored. These include:

- (1) Classified Advertising
- (2) Monthly Bulletin
- (3) Group Meetings
- (4) Television
- (5) Toronto Telegram - "Today's Child"

Where a local placement for approved adopters is not possible or feasible, the services of other Children's Aid Societies should be sought through the Adoption Resource Exchange. The home study (completed in the form approved by the local directors' section of the Ontario Association of Children's Aid Societies) and the child's history should be exchanged between the agencies. The two societies involved should then attempt to reach a mutual agreement, but the child's agency has the final choice of adopting parents for their specific child.

11. Working Mothers -

Where the adopting mother plans to continue working, but has the capacity to also "mother" a child, placement may be considered as long as the child's needs will be adequately met.

12. Foster Parents -

(1) Where boarding parents apply to adopt the child in their care, consideration should be given to their application in the same manner as to any other adopters.

(2) If a child has been in a suitable Foster home over a long period of time and it is in his interest to remain in this home, agency consideration should be given to approaching the foster parents about their adoption of this child.

13. Rejections -

When a Society rejects an adoption application, the applicants should be so advised in an interview and the decision confirmed by letter. Prompt action in this regard is essential for good public relations.

If rejected applicants re-apply, consideration of their adoption request may be re-appraised in the light of a change in the factors leading to their previous rejection.

Inter-National -

In all inter-national adoptions, consultation with the Child Welfare Branch should be entered into in the initial stages of processing an adoption application.

APPENDIX 20ADOPTION POLICY

The Children's Aid Society for the County of Waterloo is established to serve the total community through the administration of the Child Welfare Act. Our policy must be consistent with these facts. We cannot for instance, place children with applicants who would deny medical treatment, since this is contrary to The Act. On the other hand we should accept applications from the total community provided we respect the rights and expressed belief of the clients with whom we work and the children for whom we care.

Adoption Applicants

1. Neither any specific religious belief nor the lack of it, shall be a barrier to an adoption application provided such belief does not conflict with the care of the child as required by the Child Welfare Act.

Placement of Children

Wards - Wards of the Children's Aid Society shall be placed for adoption with families having the same broad religious designation as established for the child at his wardship hearing. Exceptions may be made for the hard to place child when extensive efforts have failed to provide a suitable adoption home and it appears that the alternative facing the child is long-term care in an institution or unsuitable foster home.

Such exceptions shall require the approval of the Local Director and shall be reported by him to the Executive Committee of the Board.

Non Wards -

- (a) Non-wards whose parent(s) request that they be placed in adoption homes of the same religion shall be placed with families having the same broad religious designation as the parent(s). Exceptions may be made for the hard to place child when extensive efforts have failed to provide a suitable adoption home and it appears that the alternative facing him is long-term future care in an institution or unsuitable foster home. Such exceptions shall require approval of the Local Director, and shall be reported to the Executive Committee of the Board.
- (b) Non-wards, whose parents have indicated that they do not wish religion to be a factor in the placement of the child, will be placed in the most suitable home available.

EXHIBIT NO. 125: Letter from Mr. Hunsberger to Mr. Lohead, dated November 27th, 1967.

MR. O'DRISCOLL: Would your honour object if I would just read this letter before I proceed. It is on the letterhead of the Children's Aid Society for the County of Waterloo dated "Kitchener, November 27, 1967". It is addressed to:

"Mr. George H. Lohead, Q.C.,
Barrister and Solicitor,
251 King Street W.,
Kitchener, Ontario.

Dear Mr. Lohead:

This will serve as a review of plans undertaken for the permanent care through the adoption for our two wards, Peggy and Valerie.

At the time of the first publicity in this matter in August, 1967, the Society received some twelve to fifteen inquiries from couples residing in Ontario and other provinces. It was readily ascertained that some of the applicants were more serious than others and after evaluation of the more promising ones, two were eventually considered as suitable. These conclusions were reached prior to the announcement of the inquiry. Eventually, however, in October, both

of the acceptable applicant couples withdrew their offers of adoption. The reasons for the withdrawals are explained in correspondence from the local agency of the applicants' residence in one case, and directly from the applicant in the other. For your personal confidential information, I am enclosing these letters.

When the wording of the terms of the public inquiry were announced, it was clearly indicated that any planning for the children from that point on would have to await the report of the Commissioner. I believe you will recall confirming such opinion with me at that time. For these valid reasons, then, no active planning has been undertaken since late September.

If responsibility for further planning for the sisters were granted the Society in the future, it would be my proposal that widespread attention to their needs would be given through the services of the Child Welfare Branch. Confidential inquiries to all Societies throughout Ontario requesting evaluation of applicants would seem essential for the provision of a suitable home, or homes. The Child Welfare Branch has offered to make such a search if such were warranted by the Commission.

Following our original plans, the sisters would be offered for placement together and failing response in that, then separately, but separately only if, upon further professional evaluation, such would not be deemed to their individual disadvantage.

I would point out that the children have now been together for a period of about two months without the presence of other small children. The environment is thus substantially different from that of the previous foster home and the opportunity for the establishment of a meaningful relationship may have changed. Great consideration would have to be given to this, if in fact, upon professional evaluation, such had occurred.

As far as religion is concerned, we would propose to follow the general policy of the Child Welfare Branch and of Children's Aid Societies including our own, namely that we would be quite prepared to place these children in a Protestant home or homes, if proper and approved Catholic home or homes were not available.

I trust these explanations will be of help.

Yours sincerely,

Sgd. W.A. Hunsberger
Local Director."



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